

Should I Move Out During My Divorce?

Divorce proceedings can be fairly complicated, especially if you and your spouse are in disagreement over just about everything. **One of the first aspects of divorce that couples usually have to deal with concerns the family home and who will be staying in it.** This becomes even more important if there are children involved. Our team at Wall Legal Solutions can help guide you through the divorce process from start to finish.

Your Rights During Divorce Proceedings



Generally, both you and your spouse will have equal access to shared assets such as bank accounts and other physical possessions that were acquired during the marriage. **Utah law stipulates that a divorcing couple needs to wait 90 days from the filing date before a divorce can be finalized**, during that time it is common for one of the spouses to remain in the marital household while the other lives elsewhere.

Divorce proceedings with children vary somewhat from [uncontested divorces](#) with no children due to the fact that a judge will always consider the children's needs first before either spouse. **If you and your spouse can agree to a fair plan when it comes to dividing up assets and parental rights, things should go smoothly.** For spouses who cannot agree to a fair plan when it comes to dividing up property and parental arrangements, a court date will be set so that a judge can decide the case. Attorneys for both sides will have a chance to present their arguments as to why their client should receive what they want.

What to do if Your Spouse Asks You to Leave

If you and your spouse cannot come to an agreement regarding who will be staying in the house during the divorce proceedings, or if your spouse tells you they want a divorce and asks you to leave immediately, you need to do these three things:

- **Contact an attorney**

- ***Gather important personal documents***
- ***Document the interactions between you and your spouse***

The most important thing to do if you are asked to leave is to contact an attorney. ***In most cases, your spouse cannot legally force you to leave your home, especially if they are the one filing for divorce.*** An attorney can help you determine if you should leave your home immediately or at least what your next steps should be. A spouse can apply for a temporary restraining order which would require you to leave the house. ***These restraining orders are not given out regularly*** and are usually only issued when a judge perceives **a threat** to one spouse, or to any children, by the other spouse.

Leaving your home does not mean that you give up any claim to it during the divorce, but you may still be responsible for paying the mortgage or rent, especially if you have a substantially bigger income than your spouse. Courts will often take these payments into account when deciding how to divide communal property. You will also want to gather personal documents in case your spouse attempts to keep them from you, and it can be helpful to keep track of how you and your spouse interact if you stay in your home.

Why Retaining Legal Counsel is so Important

A divorce can take as little as 90 days if you and your spouse work out equitable terms, or it can take far longer, especially if there are children involved. A lawyer who has your best interests in mind will fight to make sure that any property and parental agreements worked out are fair to you, even if you will no longer be living in the marital home. The professionals at Wall Legal Solutions have over 190 combined years of family law experience and know how to defend the rights of our clients during divorce proceedings. You can reach us at 801-803-6988 or [contact us here](#) to set up a free 30-minute consultation.