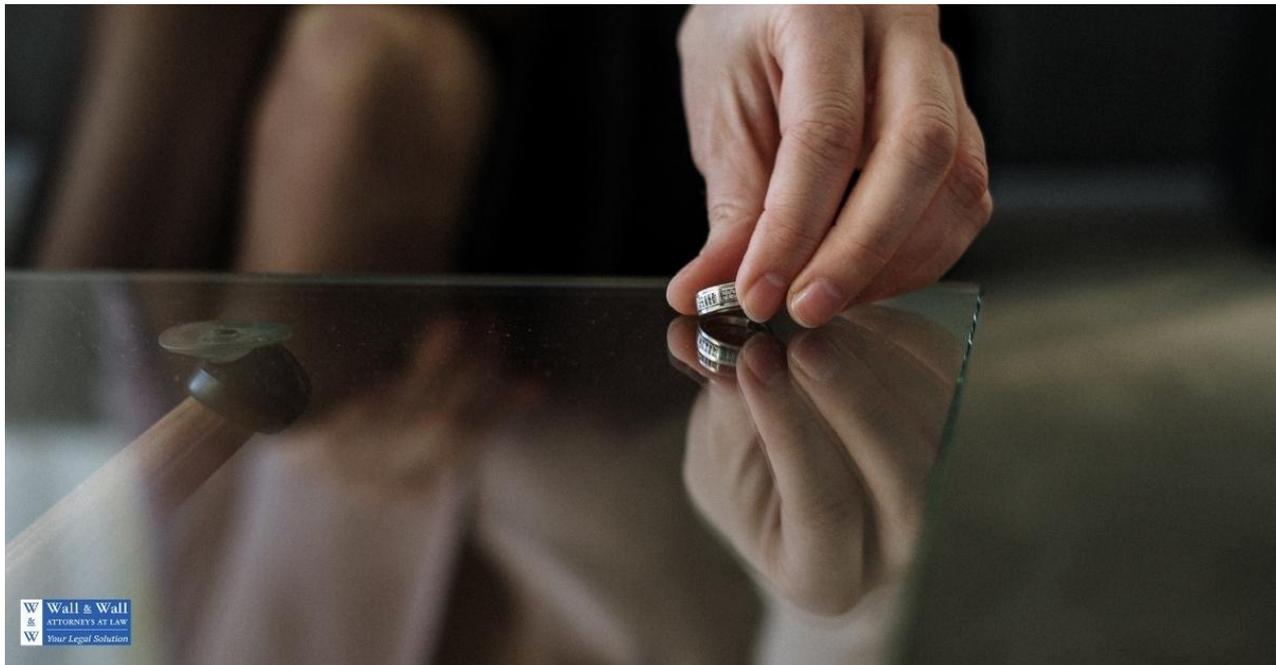


Alternatives to Divorce in Utah

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Each marriage is different from any other. The two married people have their unique personalities, experiences, and reasons for deciding that they want to end the relationship. Most married couples who decide to go their separate ways end their marriage in divorce. But, that is typically a rough and painful process for all involved and can bring heavy financial burdens. So, while divorce may seem like the tidest way to end any marriage, there are alternatives to divorce that often make more sense for many parting couples who want a clean break legally.

If It's Over, What Use Is an Alternative to Divorce?

Ending a marriage is certainly a time to consider what is best for your family and future. Assessing your needs, hopes, and plans for your life can sometimes reveal a better way forward than the most common option. So, although people typically choose divorce as the solution to a marriage they find untenable, in many cases, the options below offer significant benefits that divorce does not.

What Are the Alternatives to Divorce?

Divorce can be a confusing, distressing, and heart-rending situation. Here are two ways that people in Utah who want to end their marital relationships may benefit more from divorce alternatives:

Annulment

The court can grant an annulment if the marriage is invalid. This may be possible for various potential reasons. In an annulment of marriage, the court decides matters of property division, child custody, child support, and spousal support, just as in a divorce case. To qualify for an annulment, one of these descriptions must apply to the marital situation:

- A spouse committed fraud by misrepresenting something relevant to the legitimacy of the marriage agreement. For example, the individual may have lied about his or her financial circumstances, employment, future goals, and plans. He/she may even have concealed a previous marriage that is still legally in effect.
- One spouse lied about being underage or otherwise did not legally have the mental capacity to consent to marriage. For example, the person may have been mentally impaired due to drug or alcohol misuse or had a mental illness, brain injury, or other mentally incapacitating condition.
- Or, if the marriage occurred while one party was being coerced by or was under threat from the other party, or a third party, or was in some other way being forced into the marriage.

Among the benefits of annulment, when a Utah court grants a petitioner an annulment because of the dishonest act(s) of the other party in the marriage, the party at fault cannot be awarded spousal support. He or she also cannot benefit from a property division that would grant him/her a share of the value brought into the marriage by the spouse he/she has victimized.

Legal Separation

In a legal separation, the couple lives apart and severs their financial involvement with each other, as they would do in a divorce. The legal process is virtually identical to a divorce, using most of the same legal documentation. The financial matters, including the division of marital assets and debt obligations, are all addressed, as in the divorce process. But, both spouses must agree to a legal separation, whereas in a divorce, one party may contest it. Also, unlike divorce, neither of the spouses is legally free to marry someone else because the couple is not divorced.

So, why choose a legal separation vs. divorce? There are substantial advantages for some people to a legal separation. For example, a surviving spouse is entitled to the inheritance of the other's property in case of death. The legally separated spouse may also remain covered by the other spouse's health insurance coverage on policies that do not remove coverage as they do after divorce.

The legal separation benefits can be very important considerations when ending a marriage. Ultimately, if one spouse decides to file for divorce at a later time, the terms of the legal separation can be transferred to a divorce decree. That typically simplifies and significantly speeds up the legal process.

For the Best Divorce Alternatives, Contact Wall & Wall

At Wall & Wall Attorneys at Law, P.C., we help people in Utah in the difficult divorce process get the best outcomes of their cases so they and their families can move on to happier times. We listen carefully, review your legal case, and help you identify your best options.

Call Wall & Wall Attorneys at Law at (801) 441-2388 for expert divorce lawyers in Utah, or contact us here on our website to schedule a free legal consultation.
