



# Legal Separation: General Info

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- ❖ Read this only if you live in the state of Washington.
  - ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
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## What is a legal separation?

This type of court case can give you everything a divorce does, **except for** ending the marriage. You are still legally married.

## Should I file for separation instead of divorce?

**Yes**, if you do not want to end the marriage. You may want to stay married if, for example, your religion keeps you from getting a divorce, but you do want the other relief available. **Examples:** parenting plan, property and debt division.

## How do I file for legal separation?

The process is like and uses many of the same forms as divorce. You start by filing FL Divorce Form 203, Petition for Legal Separation. You can get this form from the court forms list at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms), or you can use one of our Do-It-Yourself packets:

- [File for Legal Separation with Children](#)
- [File for Legal Separation without Children](#)

## Do I need to file for separation before filing for divorce?

No.

## **I filed for separation. The court has not entered a final decree yet. I have changed my mind. Now I want a divorce. What should I do?**

You must file and have delivered to your spouse (serve your spouse with) a new petition for divorce.

## **I have a final separation decree. I changed my mind. I want a divorce. What can I do?**

You can change (convert) a legal separation decree to a divorce order. Once six months have passed after entry of the legal separation decree, either spouse can file a request (a **motion**) to change it. The court must grant the motion. The rest of your legal separation orders, such as any parenting plan and child support order, will still be good (stay in effect).

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- ❖ Our [Legal Separations: What if I Want a Divorce or to Get Back Together](#) packet has forms and instructions.
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## **I want a separation. My spouse wants a divorce. Can I stop the divorce?**

Probably not. If you file for legal separation, but your spouse counter-petitions for divorce, the court will probably grant the divorce. To get a divorce, one spouse only needs to show you have *irreconcilable differences*. This means there is no hope of you getting back together.

## **I do not want to be responsible for debts my spouse takes on after we separate. What should I do?**

You can file for divorce and file a motion for Temporary Family Law Orders. Our [Ask for Temporary Family Law Orders: Divorce Cases | Printable Packet](#) has forms and instructions.

## **Can I get an annulment?**

**Sort of.** You can file a Petition to Invalidate Marriage, FL Divorce Form 205, available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). If the court finds reasons to do so, it will grant you a **Declaration of Invalidity of Marriage**. This declares the marriage

could not legally exist (was **void**) from the day it started. **Only a very few cases will fit this definition.** Read the next section to learn more.

## Can I get a declaration of invalidity?

**Yes, if** you can prove at least one of these:

- One or both of you were under age 17 when you got married.
- You were both under age 18 when you married. You did not have parental or court approval.
- One or both of you were already married to someone else when the marriage took place.
- You are too closely related by blood.
- One of you could not consent to the marriage, because of mental incapacity or alcohol or drugs.
- One of you used force, threats, or fraud to make the other marry you.
- You have not chosen to keep living together as spouses after turning 18, getting the ability to consent, or after the force or threat stopped or discovery of the fraud.

## Can either spouse file for a declaration of invalidity?

It depends. In the case of marriage by fraud or duress, only the spouse who was the victim of force or fraud can ask the court for this. Talk to a lawyer if you want to file this kind of case, or if you have been served with such a petition.

## Get Legal Help

- **Apply online** with [CLEAR\\*Online](https://www.nwjustice.org/apply-online) - [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online).
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.

**Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

**Interpreters provided.**

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