

Divorce Law

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A common divorce attorney question I would hear is if a couple could live in the same household but just in separate spaces because of the financial burden involved. This one-year separation requirement can be difficult financially, especially in this high cost of living metro area.

The new law provides a grounds for divorce called "mutual consent" and has four requirements: 1. The couple does not have any minor children from their marriage together; 2. the couple has had a written settlement agreement prepared to which they both consent; and in that settlement agreement, alimony and the distribution of property (including retirement accounts) have been addressed and resolved; 3. neither husband or wife files a motion with the court requesting that the settlement agreement be set aside prior to the divorce hearing; and 4. both husband and wife appear before the court on the date of the hearing for the absolute divorce.