

LEGAL SEPARATION IN OREGON

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A legal separation is different from a divorce, and does not prevent either party from filing for divorce in the future. A Judgment of Legal Separation does not dissolve a marriage, and the terms of a Judgment of Legal Separation can be modified in subsequent legal proceedings. Regardless of what provisions a Judgment of Legal Separation contains with regard to a division of marital property, the Judgment of Legal Separation does not prevent a Court from making a different distribution of marital property in a future divorce proceeding. ORS 107.455.

The Judgment of Legal Separation does not determine what occurs to any property acquired by either party after entry of the judgment, while the parties are still married. Any personal or real property acquired by either party during the marriage is marital property subject to division by the court during a divorce proceeding.

A Judgment of Legal Separation must state how long the legal separation lasts. ORS 107.475. At the end of the time stated in the judgment, the Judgment of Legal Separation will expire. If the Judgment of Legal Separation has no expiration date, the terms of the judgment will continue until the parties are divorced, the Judgment of Legal Separation is modified, or the parties obtain an order to dismiss the Judgment of Legal Separation.

A Judgment of Legal Separation may be converted into a divorce decree (within the same case), so long as the parties convert the Judgment of Legal Separation into a Judgment of Dissolution of Marriage within two years from entry of the Judgment of Legal Separation. ORS 107.465. If the parties do not convert the Judgment of Legal Separation to a Judgment of Dissolution within two years, a separate divorce proceeding will need to be filed in order for the parties to obtain a divorce.