

Separation Guidelines for Divorcing Couples

This document has been created as a guide for couples who are recently separated. It is intended to help individuals make an easy transition from living together to living apart by acknowledging that boundaries need to change as relationships change. It is also meant to be the basis for an ongoing dialogue between separated or divorcing couples as they define and adjust to their reconfigured relationship.

People who have been sharing a household for some time develop habits and patterns based on that arrangement. When only one person is in the home formerly occupied by both, issues of privacy for the person who remains in the residence arise, while the person who moved out may feel displaced and separated from familiar surroundings and creature comforts. A period of adjustment is to be expected, during which time clear communication is critical. As difficult as these conversations may be, they are less difficult than the kinds of hurt feelings and unintended consequences that will likely be the result if they don't occur.

Discuss and agree on the following issues regarding access to the property:

- Will each person possess a key to the other spouse's residence?
- Are there recurring occasions when one spouse has permission to enter the residence of the other spouse when the resident is not present?
If so, what are those occasions? (Note: Specific needs may arise from time to time when the non-resident is given permission to enter the premises when the resident is not present. These should be discussed on a case-by-case basis. This question addresses *recurring* events.)
- Will the locks be changed on the doors of the marital residence?
If so, what is the date by which the locks will be changed?
- How much notice will one spouse expect if the other needs to come to his or her residence?
- What information will be given to friends and family members and how will it be disseminated?
- If calls are received at the marital residence for the spouse who moved, how should telephone calls for a spouse be redirected?
- Who should be notified in the event of an emergency?
- If mail is received at the marital residence for the spouse who moved, how should it be delivered?

Most people find that the following rules help them make the transition easier for all concerned:

1. Neither spouse should go to the residence of the other spouse unannounced, or enter the house or go onto the premises without an invitation or permission from the resident.
2. Neither spouse should sell, discard or destroy anything in that spouse's possession without first asking the other if he or she wants or needs the item. Property or household items will be accepted or declined within one week of receiving notice that a spouse intends to discard the property.
3. The spouse who continues to live in the marital residence will make reasonable

accommodations for the other spouse to retrieve his or her personal items from the residence.

4. Neither spouse will enter the residence of the other spouse without ringing the doorbell or knocking and gaining permission to enter from the resident.
5. Neither spouse will remove any item from the other spouse's residence, permanently or temporarily, without the knowledge and agreement of the resident.
6. Both spouses will keep all furniture, clothing and personal property safe and in good condition to the best of his or her ability. Both spouses will notify the other spouse in the event there is damage to any property that has not yet been divided, or that belongs to the other spouse.

Create Clear Boundaries

Divorcing spouses who have clear boundaries about what is and is not expected and acceptable can make the transition from living together to living separately more smoothly. Mixed messages are often the source of hurt feelings and anger. Acts of kindness can be misinterpreted as invitations to rekindle a relationship. Often, it is helpful to put into words sentiments like, "I want to be able to be nice to you without your thinking that we will be getting back together," or, "It's too painful for me to have your furniture in the house, so we need to find a time for you to move it out." These feelings, if left unexpressed, can get in the way of making progress in the divorce process. So, as uncomfortable as it is to say these things to someone with whom you have shared a life, the short-term discomfort may pave the way for long-term healthy restructured relationships.

If there are Children

1. Neither spouse will ask a child for access to the property of the other spouse, and will decline a child's invitation to enter the property of the other spouse without the permission of the resident parent. The invitation shall be declined in a way that does not blame the resident parent.
2. If a child with one parent needs something from the residence of the other parent, arrange with the resident to retrieve the item, or ask the resident to deliver it.
3. Keep your commitments about when children will be picked up and/or delivered. If there is an emergency that interferes with keeping a commitment, notify the other parent immediately. It is sometimes helpful to designate a range of time between which pick up and/or delivery will occur (i.e. between 5 and 5:30). Consider carrying a cell phone or pager so that messages about children can always be received in a timely manner.
4. Do not make appointments or commitments for your children during time when they are with the other parent without that parent's consent. If a child receives an invitation to an event that occurs during the other parent's time with the child, make the other parent aware of the invitation, but do not lead a child to believe that he or she will be or can attend the event without the other parent's consent.

New Relationships and Dating

New relationships pose challenges for separated and divorcing couples in a variety of areas. In most situations, one person has mentally and emotionally “moved on” more than the other. Although there are certainly exceptions to this rule, it should never be assumed that a person will not be hurt, embarrassed, or otherwise affected by the fact that his or her spouse is involved in a relationship before the marriage is terminated. This delicate subject should be addressed directly, and with a high degree of respect for the feelings of both spouses.

Generally, divorce attorneys will recommend that clients not enter into new relationships, or put new relationships on hold while their divorce is pending. There are several reasons for this which can be discussed either individually with one’s attorney or in a joint meeting.

Mental health experts and child specialists generally agree that seeing a parent in a new relationship before the divorce is finished is not good for children. At best, children are confused by the new significant adult in their lives; at worst, introducing a new romantic relationship to the children too soon can alienate children from one or both parents. Child specialists recommend that a parent wait at least six months *after a divorce is final* before introducing children to new romantic partners.

If separated spouses discuss the issue and agree that dating will be acceptable during the pendency of their divorce, the following issues should also be considered:

- Are there places to which the dating spouse can agree not to go with a new romantic interest (religious services, favorite restaurant, exercise class, etc.) in order to avoid discomfort and embarrassment?
- Are there places to which the non-dating spouse can agree not to go so that there are clearly-defined “safe” places to which the dating spouse and the new partner may go?
- How much information does the non-dating spouse want about the new relationship? For instance, if the dating spouse is planning a vacation with the new partner, should that information be shared or kept private?
- What is each party’s expectation about use of funds that might still be owned by the community estate?
- What agreements can be made about the new romantic interest that will help avoid confusion of and damage to the children?

These are just a few examples of issues that can arise and should be addressed when couples are separating. You can expect that other issues will arise. Here are some guidelines for starting a discussion about these topics:

- Make an appointment with your spouse to discuss issues about your separation. Make sure your spouse knows the topics you want to discuss, and ask if he or she has others to add.
- Agree to meet at a neutral place at a time when children will not be around.
- Make the appointment time-limited.
- Agree in advance that you will each do your best to make the conversation respectful and fruitful, but that if either of you feels uncomfortable at any time, for any reason (or no reason), the conversation will be terminated.