

Virginia Separation Requirements Divorce Fairfax County The Irving Law Firm Virginia requires spouses to live separate and apart before they can file for a no-fault divorce, and the specifics of this requirement matter practically for anyone planning a divorce in Fairfax County. The standard separation period is one year. However, when the divorcing spouses have no minor children of the marriage together and have executed a written separation agreement addressing the division of their property and any support obligations, the separation period can be reduced to six months. <https://speakerdeck.com/buthirwlks> The Irving Law Firm advises clients on how to structure their separation to satisfy this requirement correctly. What constitutes living separate and apart in Virginia is a question that sometimes requires careful analysis. The parties must be physically living in separate residences without cohabitation, and they must have the subjective intent to end the marriage. In some cases, parties have attempted to argue that they were living separately even while under the same roof, but courts generally require actual physical separation into different households. When financial circumstances require both spouses to remain in the marital home during the separation period, the situation must be handled carefully to avoid compromising the legal validity of the separation. The date of separation is often a contested factual question when spouses disagree about when the marriage effectively ended. The firm helps clients document the date of separation through contemporaneous records, communications, and witness statements that will support their position if the date is challenged.

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The separation period runs concurrently with the time spent preparing for divorce: gathering financial records, consulting with an attorney, drafting a separation agreement where appropriate, and making decisions about custody and living arrangements. The Irving Law Firm helps clients use this time productively. Call (571) 474-1990 for Virginia separation and divorce guidance. The Irving Law Firm - Fairfax Divorce Lawyers, 10505 Judicial Drive, Suite 300, Fairfax, VA 22030.

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