

How to File for a Separation

In Wisconsin, legal separation lets married couples file taxes separately, keep their own property and income, have their own debts, and enter into legal contracts as an unmarried person.

For the most part, the forms and process for getting a legal separation in Wisconsin are exactly the same as the process for getting a divorce. Therefore, when it comes to the details of the separation process, we recommend you read our articles on the divorce process: [What is needed to file for a Divorce in Wisconsin?](#), [Starting a Divorce](#), [Serving Papers](#), [After Service](#), [The Temporary Hearing](#), [Preparing for the Pre-Trial Conference](#), [Completing the Divorce](#).

Like a divorce, a legal separation starts by filing a summons and complaint in the county court. Just like with a divorce, you can file separately or jointly. After filing, there is a mandatory 120-day waiting period before the court can finalize the legal separation, same as in a divorce. The court will decide on property division, spousal support, child support, and child custody and placement using the same rules as in a divorce.

However, there are a few differences in the process between a divorce and a legal separation:

- To file for a divorce in Wisconsin: 1) one of the spouses must have lived in Wisconsin for at least six months, and 2) one of the spouses must have lived in the county where they are filing for at least 30 days. To file for a legal separation in Wisconsin, one spouse must meet the 30-day county requirement, but it is not required that either spouse have lived in Wisconsin for at least six months.
- The divorce/annulment worksheet, one of the forms that must be filed in a divorce in order to get a pretrial hearing, is not required to get a legal separation.

- If the couple is not able or willing to reconcile (get back together) after the court has ordered the legal separation:
 - They can convert the legal separation into a divorce at any point by agreement. They would file a [Stipulation Converting Legal Separation to Divorce](#) along with the [Divorce/Annulment worksheet](#) and an [Order on Stipulation Converting Legal Separation to Divorce](#).
 - If it has been at least one year since the legal separation, either spouse individually can ask the court to convert the legal separation to a divorce by filing a Motion Converting Legal Separation to Divorce, the Divorce/Annulment Worksheet, and an Order on Motion Converting Legal Separation to Divorce.

In either case, no additional court process is required, and the legal separation document becomes the divorce judgment.

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[Separation Divorce Family Law](#)

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