

**SUPREME COURT, CIVIL BRANCH  
QUEENS COUNTY  
SELF-REPRESENTED INFORMATION OFFICE**

**LEGAL SEPARATION  
BY AGREEMENT OF PARTIES**

§ A Separation Agreement is not something the Court grants. There is no application form. You cannot apply for one.

§ If you do not know where your spouse is, or if he/she will not agree, you cannot create a separation agreement.

§ A Separation Agreement is a contract between you and your spouse, in which you both agree to live separate and apart, not to pay each other's bills, decide with whom the children will live, what becomes of the marital property, or anything else both of you want to include. Someone must draw (write) this up for you if you cannot do it yourself, usually an Attorney.

§ Both parties must agree to the entire separation agreement and their signatures must be acknowledged in the manner required for a deed to be recorded in the presence of a Notary Public (although you both do not have to appear before the Notary at the same time, or even use the same Notary).

§ An Attorney can help you draw up an Agreement. In complicated cases (where there may be real estate, a pension, child custody, debts, or tax questions, etc.) an Attorney's advice and assistance is strongly suggested. The court cannot recommend an Attorney. Contact your local Bar Association for information, or the newspapers.

§ The Separation Agreement becomes legal (binding) as soon as it is notarized. You may file it (if you wish) with the County Clerk's Office in the County where either of you live now (in Queens this is in Room 100, First Floor of this building). There is a filing fee of \$210.

§ An Agreement cannot take into consideration any time during which you have already been separated. You are only Legally Separated when the Agreement is notarized by both parties.

§ One year after the date of notarization you or your spouse may file for a divorce based on your separation Agreement. This is called a "conversion" (DRL 170.6), in which no grounds (legal reasons to grant a divorce) are necessary except for the Agreement. The \$210 fee paid to file the Agreement will be credited to the divorce filing fees (if you file in the same County where your Agreement was filed). You must file the Agreement at the time you file for the divorce, if you have not already done so.