

Can You Start Dating While Divorcing? Legal and Personal Considerations

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When couples agree to divorce, one of the first questions that is often asked is: “*Can I start dating?*” The simple answer is yes you can, but there are things to keep in mind.

Even after you’ve filed for divorce, you are still legally married until a judge signs the final divorce papers. That means dating is technically “dating while married.” In most cases today, this won’t stop your divorce from going through. But it can impact issues like custody arrangements, financial matters, and how smoothly the proceedings unfold.

If you have children, the court is always focused on what’s best for them. Dating amid a divorce often prompts questions such as:

- Is the new partner being introduced too soon
- Does the new relationship disrupt the children’s routine
- Is it adding stress or confusion for the kids
- Is the new partner reputable, a criminal, a public figure, etc.

Judges want to see stability. Even if you feel ready to move forward, the court may see early dating as a potential distraction from your children’s needs.

One of the biggest financial pitfalls of dating during divorce is something called “dissipation of marital assets,” which is a legal way of saying: spending money that belongs to both spouses on things outside the marriage, without your spouse’s consent. Examples include:

- Buying gifts for a new boyfriend or girlfriend
- Paying for trips, meals, or hotels with marital funds
- Using joint accounts for entertainment, rent, or travel related to the new relationship

If the court finds that money was spent in this manner, the spouse responsible may be required to “pay it back” by giving the other spouse a larger share of the remaining assets.

There are other practical concerns. For instance, negotiations may become more challenging. If your spouse finds out you’re dating, they may feel hurt or angry, which can make reaching an agreement more difficult. Dating while married can be emotionally messy. Divorce already comes with a lot of stress. Adding a new relationship may complicate your own healing

process. If you start dating, children must come first. They may need time, as children often struggle with change. Bringing a new partner into their lives before the dust settles may make things harder on them.

Tips if You Do Decide to Date

- Don't use joint or marital funds on the new relationship
- Keep your dating life private until after the divorce is finalized
- Wait to introduce a new partner to your children until things are more settled or you've discussed a process with a mental health professional
- Talk with your lawyer about how dating might impact your specific case

There isn't a law that outright bans dating during a divorce, but between possible custody concerns, financial risks like dissipation, and the emotional toll, it often does more harm than good.

If you want the divorce process to go as smoothly as possible, and protect your finances and your kids, the safest choice is usually to wait until the divorce is final before jumping back into dating.