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**Abstract:**

Legal separation is a family law institution which has been in force in Poland since 1999. Following the court order on separation, the spouses no longer have any mutual rights or obligations in marriage. They do not inherit after each other either. Most effects of legal separation resemble those of divorce. Still, the spouses remain married and they cannot enter into a new marriage with other persons.

The Author tries to find an answer to the question of whether legal separation changes the civil status of spouses. In the strict sense of the notion, civil status is understood as marital status. Accordingly, individuals are traditionally classified as being either single or married. However, notwithstanding the fact that a separated couple formally remains married, the situation of spouses, in the wake of a separation order, changes so radically that, according to the Author, it should be regarded as a third variant, namely the state of ‘being separated’.

The proposition that legal separation changes the civil status of spouses is even more evident if one considers the definition of legal status in its broad sense. Such definition can be found in Article 2(1) of the Law on Civil Register of 2014. The provision reads as follows: ‘The civil status is a person’s legal situation, expressed by individual personal characteristics, as shaped by natural events, legal actions or judicial decisions, or the decisions of authorities, which is demonstrated in the civil register’. It should be observed that legal separation is based on a judicial decision that affects the legal situation of spouses and characterises their position in marriage. What is more, the court order on legal separation must always be notified to the Registry Office, so that an official mention on separation can be made in the marriage certificate. Thus, as the Author argues, there should be no doubt that legal separation constitutes one of the elements of the civil status of an individual.

In the last part of the article, it is demonstrated that, unfortunately, legal separation is not adequately mirrored in the civil register. For example, it is technically impossible to add information on legal separation next to a birth certificate (although such information on divorce can be added). Moreover, due to the limited functions of the electronic application that is used to operate the civil register, there is no possibility to reflect separation in the death certificate or in the certificate on civil status. Therefore, these documents may create confusion, since the separated spouses are described therein as being ‘married’.