

Preparing a Separation Agreement

If you are preparing to write your own separation agreement or if you are getting ready to meet with your attorney, consider the following questions:

- If a dispute should arise about the separation agreement, how should it be resolved?
 - (Examples would be mediation, arbitration or litigation)
- Should the prevailing party have her or his attorney's fees paid?
- Should this agreement be used as evidence and incorporated into a later divorce decree?
- Have both parties fully disclosed relevant information before entering into the agreement?
 - (Providing false or misleading information or withholding information could lead to an invalid agreement).
- Who should have legal custody of each child?
 - (Legal custody is the right to make certain decisions affecting the child. Legal custody can be held by one parent or both).
- Who should have physical custody of each child?
- If one parent has sole custody, will the other get visitation rights? If so, what are they?
- Will one spouse provide child support? How much?
- Will one spouse pay spousal support? How much?
- Who will live in the marital home?
- What are your expenses and who will be responsible for them?
- What debts do you have and who will be responsible for them?
- Who should get certain personal property (furniture, etc.)?
- Will one spouse continue to provide life or health insurance benefits for the other?

Copyright © 2007 FindLaw, a Thomson business

DISCLAIMER: This site and any information contained herein are intended for informational purposes only and should not be construed as legal advice. Seek competent counsel for advice on any legal matter.