Separation Agreement Issues

1. Divorce
   1. One year’s separation
   2. Agreement not to contest fault ground (habitual intoxication/adultery/physical cruelty)
2. Legal custody
   1. How are decisions regarding childrens schooling, religion, medical care and activities made
   2. Passports (who will hold them; how can they be used)
   3. Restraints (not all need to be included)
      1. Requiring each parent to keep the other informed of changes or anticipated changes in address or phone number;
      2. Requiring the custodial parent to inform the other parent of any changes in pediatrician, school, church or extracurricular activities;
      3. Requiring the custodial parent to inform the other parent of any of the children’s medical, school, church or extracurricular activities to which parents are invited;
      4. Restraining both parties from exposing the children to paramours overnight;
      5. Restraining both parties from disparaging the other or the other’s family or allowing those around them to do so;
      6. Restraining both parties from smoking, cursing, being intoxicated, using illegal drugs or abusing prescription drugs in front of the children or while exercising custody or visitation with the children;
      7. Restraining both parties from exposing the children to immoral conduct;
      8. Restraining both parties from exposing the children to violent, sexually explicit or age inappropriate media;
      9. Restraining both parties from exposing the children to domestic violence;
      10. Allowing reasonable telephone access;
      11. Allowing any responsible adult family member (or other named adults) to pick up or drop off the children for visitation;
      12. Setting the responsibilities and costs for visitation transportation;
      13. Requiring copies of report cards and health records be provided to noncustodial parent;
      14. Requiring each parent to engender respect for the other in the children and requiring each to encourage the children to hold the other parent in high regard;
      15. Restraining parents from allowing or encouraging the children to call the step-parents “mommy” or “daddy”
      16. Allowing or restraining contact between the children and other family members, regardless of which parent the children are with;
      17. Allowing or restricting corporal punishment;
      18. Requiring written itineraries whenever either parent takes the children out of state;
      19. Requiring notice or prohibiting a move with the child out of state or a particular distance from the non-custodial parent’s current residence
3. Physical custody and visitation
   1. Which parent’s residence will be the residence for purposes of attending school
   2. What will be the other parent’s typical visitation schedule (usually a bi-weekly schedule)
   3. Holidays (usually alternate Thanksgiving and Spring Break and divide and alternate weeks at Christmas Break)
   4. Mother’s day/Father’s day
   5. Parents’ and children’s birthdays
   6. Summer
   7. Electronic communication (telephone/skype)
4. Child support
   1. Parties’ gross income
   2. Children’s health insurance expense
   3. Work related day care
   4. Prior support obligations
   5. Medical reimbursement
5. Alimony (does either party want it)
   1. Permanent (how much and how often)
   2. Lump sum (how long, how often, and in what amount per payment)
   3. Rehabilitative (how much and how long)
6. Equitable distribution
   1. Division of equities in house, vehicles, retirement accounts
   2. Transfers of title
   3. Getting debts out of other’s name if one person will keep a property in which the debt is jointly titled
   4. Household items (best if parties try to divide themselves outside of agreement or prepare lists of what each will keep).
7. Restraining orders: molesting, stalking, harassing or bothering the other or coming about the other’s home or place of employment
8. Taxes
   1. Will parties file jointly for last year and this year
   2. Who will claim children as dependents for tax purposes
9. Attorney’s feeswill one pay other’s attorney’s fees