



Family Law & Mediation

Do I need a separation agreement before I can get divorced?

Technically... no, you don't need a separation agreement in order to get divorced. I recommend a separation agreement, though, for a few reasons.

If you have children, the separation agreement becomes a detailed parenting plan by which you and the other parent govern yourselves. The level of detail, the wording, and the nuance of a separation agreement may be quite different than that of a divorce judgment. In an agreement, you and the other parent set out your "code of conduct" for how you will parent your children. You may express such things as your mutual goals for your children, and principles by which you agree to co-parent. This may sound "fluffy", but in fact may be important in ensuring that your agreement stands the test of time. Goals and principles span across many situations not specifically contemplated in the agreement. Although lawyers try to assist parents to plan for the long-term, we cannot always predict what will arise.

On another note, such things as spousal support can be more carefully laid out in an agreement.

Spousal support is a complicated area, especially in the area of court applications to vary the amount of support you are receiving. In agreements, lawyers can very carefully craft the wording to create parameters around the ability to bring future court applications.

Don't short-change yourself. You'll thank yourself later.

Feel free to contact Stephanie to answer your questions or to set up a consultation.



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