

# Frequently Asked Questions about **Separation Agreements**

The Separation Agreement—a private, legally-binding contract - helps separating and divorcing couples address property division, debt assumption and spousal support. This FAQ answers common questions about how Separation Agreements work, what they can include, and how they are enforced.

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**What can be included in a Separation Agreement?**

A Separation Agreement includes provisions that assist couples amidst separation and divorce . These can include non-interference clauses, a Free Trader agreement, a detailed division of marital property and debt, spousal support, and much more.

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**Is a Separation Agreement required to move forward with separation prior to requesting a divorce?**

No. Couples are not required to sign a Separation Agreement to be considered separated under the eyes of the law. Rather, the date of separation occurs when you and your spouse live in separate residences with the intent to end the marital relationship.

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**When can we create a Separation Agreement?**

A Separation Agreement is generally created just before or after the date of separation (but before the Divorce). The logistics of creating two separate households can prove tricky without the roadmap that is created by a Separation Agreement.

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**Do both spouses have to agree to the terms?**

Yes. A Separation Agreement is a voluntary contract and must be signed by both parties. You are not required to sign an agreement if you disagree with its terms. Once signed and notarized, the Separation Agreement is a legally binding contract.

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**Can we change the agreement later?**

Yes, but both parties must agree to any changes. You can amend an existing agreement or create a new one to replace the original.

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**Do we need an attorney to create a Separation Agreement?**

While not required, an attorney can prove critical to ensure the Separation Agreement is fair and legally sound. You should avoid signing any legal document without reviewing it with an attorney.

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**Should we incorporate the Separation Agreement into our divorce?**

Depending on how you want the provisions in a Separation Agreement to be enforced or modified, you may choose to incorporate the agreement into your divorce judgment.

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