

Darrell M. Harding **Attorney at Law, PLC**

With more than twenty years of experience we know that not every case is the same and provide each case with the personalized individual attention it deserves. Our firm is committed to providing our clients with skillful and professional representation. We provide our clients personalized attention and service. Our firm understands that family issues involving divorce and/or children can be emotionally and physically stressful. We are here to help guide you through the legal system and will take you through the process one step at a time.



Darrell M. Harding graduated with honors with a Bachelor of Science in Psychology from Brigham Young University in 1984. He also graduated at the top of his class with his Juris Doctor Degree from J. Reuben Clark Law School, Brigham Young University, in 1988. He served as Legal and Political Chairman over the Civil Law Division from 1987-1988, Negotiator Forum Vice President in 1988 and served on the Law Review. For over 25 years he has focused exclusively on family law to best serve individuals like you.

Darrell M. Harding **Attorney at Law**

5366 Virginia Beach Boulevard
AAA Building Suite 301
Virginia Beach, VA 23462
Phone: (757) 499-2600
Fax: (757) 499-2006
hardinglaw@aol.com
www.hardinglaw.net

Copyright © 2012
All rights reserved

Separation Agreement

DID YOU KNOW:

**You can resolve your divorce
without going to court by
entering into a separation
agreement with your spouse.**

**Read on to better
analyze your case.**



Prepared by:
Darrell M. Harding
Attorney at Law
5366 Virginia Beach Boulevard
AAA Building Suite 301
Virginia Beach, VA 23462
Phone: (757) 499-2600
Fax: (757) 499-2006
hardinglaw@aol.com
www.hardinglaw.net

WHAT IS A SEPARATION AGREEMENT (20-155, Code of Virginia)

A separation agreement is a written contract that governs the parties' division of marital property, custody, visitation, child support, spousal support, and debt division.

Separation agreements are favored by the law as a useful tool to help simplify the divorce process, and limit the amount of judicial intervention needed to end the marriage. The terms of your separation agreement become the terms of your final decree of divorce, and should not be signed before consulting with an attorney.

The benefits of a separation agreement over a court imposed order in a divorce are many. The following are some of the highlights:

1. The parties to a divorce are in the best position to know the needs, and problems of their family unit, and therefore, may wish to retain as much control as possible over the issues in their divorce. A separation agreement allows the parties to resolve their own issues, within the confines of the law, instead of a Judge, who is a stranger to the parties' situation resolving their dispute.
2. A separation agreement helps the parties avoid the emotional and time consuming process often coupled with a contested divorce.
3. If you have a separation agreement and no minor children, the waiting period to finalize your divorce is only six months, versus one year.

4. A separation agreement that has been incorporated into a final decree of divorce will be enforced as a court order, and the party that violates the separation agreement can be held in contempt, and ordered to pay your attorney's fees and costs.

5. The Parties can avoid going to court, and the cost of a contested court.

6. Parties can agree to provisions that a judge cannot order, including but not limited to:

- Child support above or below the guideline amount;
- To pay for their child's college education;
- An escalator clause addressing a support provision. (Example: spousal support will increase or decrease from time to time based on future circumstances)

Common issues covered by a separation agreement are as follows:

1. Division of personal property:

2. Legal and physical custody of the parties' children:

3. Visitation:

4. Child support:

5. Spousal support:

6. Division of Automobiles:

7. Division of retirement accounts:

8. Division of real estate:

9. Who shall be responsible for the parties' and/or children's health insurance:

10. Who shall carry a life insurance policy and who are the beneficiaries of that policy:

11. Division of debts:

12. How will tax returns be filed, and who will claim children as dependents:

13. Attorney Fees:

NOTE: The creation of a separation agreement is a matter of compromise, and in order to come to an agreement the parties must be willing to make concessions to create a fair and reasonable agreement that both parties can live with.

A signed separation agreement is a binding contract and should not be signed without reviewing the terms of the agreement with a lawyer first.