# Anatomy of a Divorce Agreement

By reaching a detailed compromise on all issues in your divorce, you and your spouse will create a road map for your future which benefits both of you as well as your children. This road map is known as a “Divorce Agreement.” A Probate and Family Court judge will find the terms of your Divorce Agreement fair and reasonable then will incorporate your Divorce Agreement into your Judgment of Divorce, making it enforceable as a court order. We need to address the following issues when we negotiate the terms of your Divorce Agreement on your behalf:

* Parenting Plan
* Your time with your children on weekdays and weekends
* Your spouse’s time with your children on weekdays and weekends
* Schedule for long weekends
* Schedule for school vacations
* Arrangements for holidays and other special events
* Arrangements for summers
* Arrangements for telephone access
* Decision-making for your children’s academic, health, and social needs
* Exchange of information between you and your spouse
* Method of dispute resolution for later issues, such as therapy or mediation
* Notification and/or arrangements for out-of-state travel with your children
* Permanent removal of your children from Massachusetts.
* Child Support
* Applicability of Massachusetts Child Support Guidelines
* Determination of “income” including base salary, overtime, bonuses
* Attribution of income
* Confirmation of cost of child care expenses
* Confirmation of cost of health insurance
* Adjustments to child support
* When? Under what circumstances?
* How will these be made?
* Termination of child support
* When? Under what circumstances?
* How will this occur?
* Definition of “emancipation”
* Payment of child-related expenses (i.e. extracurricular activities, clothing, etc.)
* Education of Children
* Decision-making on choice of public or private school/college and/or

secondary school

* Exchange of information
* Cooperation with financial aid forms
* Contribution from you and your spouse
* Contribution from your child’s assets / income
* Contribution from third parties
* Impact, if any, on child support
* Spousal Support/Alimony
* Appropriateness based upon Section 34 factors
* If so, amount? Frequency? Method of payment?
* Termination of alimony
* When? Under what circumstances?
* Employment
* Remarriage
* Retirement
* Death
* Specific date
* Tax consequences for payor / recipient
* Adjustments to alimony
* When? Under what circumstances? How will this occur?
* Health Expenses and Insurance
* For your children
* Available coverage
* Cost of coverage
* Responsibility for this cost
* Responsibility for co-payments
* Responsibility for prescriptions
* Responsibility for other uninsured health-related expenses
* Method of reimbursement
* Length of coverage
* For you and your spouse
* Available coverage
* Cost of coverage
* Change in cost after Judgment of Divorce
* Responsibility for this cost
* Responsibility for co-payments
* Responsibility for prescriptions
* Responsibility for other uninsured health-related expenses
* Extent of continued coverage
* Termination of this continued coverage
* Remarriage
* Eligibility
* Emancipation of children
* Death
* Retirement
* Alternate insurance available
* Specific date
* Life Insurance
* Availability
* Through employer
* Through private provider
* Responsibility for payment of premiums
* Amount of death benefit
* Names of beneficiaries
* Your spouse
* Your children
* Third party
* Trust
* Termination events
* Emancipation
* End of child support
* End of alimony
* Specific date
* Change of employment
* Division of Real Estate
* Use/occupancy of marital home
* Responsibility for:
* Mortgage
* Utilities
* Insurance
* Taxes
* Minor upkeep/repairs
* Major upkeep/repairs
* If buyout,
* When?
* Triggering events
* Specific date
* Completion of high school
* Completion of college
* Remarriage
* Discretion of one party
* Mutual discretion
* Terms / Conditions
* Determination of fair market value
* Certified real estate appraiser
* Bank appraiser
* Realtor opinion of value
* Mutual decision
* Determination of buyout % or amount
* Timeframe
* Interest
* Responsibility for refinancing % cost of buy-out
* First option to buy
* If sale,
* When?
* Selection of realtor
* Triggering events
* Specific date
* Completion of high school
* Completion of college
* Remarriage
* Discretion of one party
* Mutual discretion
* Terms / Conditions
* Determination of fair market selling price
* Certified real estate appraiser
* Bank appraiser
* Realtor opinion of value
* Mutual decision
* Allocation of net proceeds from sale
* Definition of net proceeds
* Timeframe
* Interest
* Responsibility for refinancing / cost of buy-out
* First option to buy
* Division of Other Property
* Automobiles/Other vehicles
* Use and ownership
* Equity versus loan
* Payment of expenses
* Bank Accounts
* Joint accounts
* Sole accounts
* Pensions/IRAs/Retirement/Social Security
* Valuation
* Actuary
* LawData
* Statement for cash value
* Division
* Liquidation
* Rollover
* Qualified Domestic Relations Order
* Tax consequences
* Investments
* Valuation and division
* Shares of Stock/Stock Options
* Valuation and division
* If not assignable, method of exercising them
* Businesses
* Valuation
* Division
* Buy-out
* Co-ownership
* Sale
* Art/Antiques/Collections

- Valuation and division

* Division of Liabilities
* Mortgage
* Line of equity
* Home equity loans
* Credit cards
* Reserve credit
* Loans against 401Ks/other investments
* Personal loans
* Uninsured medical/dental expenses
* Taxes
* Prior tax filings
* Status (married, filing separately; married, filing jointly; individual)
* Liability
* Indemnification
* Exchange of information
* Current tax filings
* Status (married, filing separately; married, filing jointly)
* Liability
* Indemnification
* Exchange of information
* Use of dependency exemptions
* Method of review
* Exchange of W-2s/1099s/tax returns
* Meeting with accountant
* Mediation
* Use of other available tax benefits
* Earned income credit
* Head of household
* Child care credit
* Hope credit
* Use of other available tax deductions
* Mortgage
* Real estate taxes
* Excise taxes
* Medical expenses
* Consideration of capital gains taxes
* Real estate
* Investments