

Sample No-Divorce-Today Separation Agreement
between Ken and Megan Carlson

Note: This is a merely sample of a separation agreement. It illustrates the sorts of issues couples customarily must address to keep their separation constructive and free of misunderstandings. Each couple's agreements must be the ones they find best and will differ in some respects from this sample. See the [Jacobi Agreement](#) below (page5) for another example.

1. **Our Relationship:**

We acknowledge that we have had significant problems in our marriage, and we now think it would serve our chances of renewing and saving our marriage if we were to separate temporarily and constructively.

We'll make arrangements to separate for three to six months to give us a chance to restore courtesy to our relationship and, if possible, renew and restore our marriage. We have agreed that Ken will find an apartment no more than five miles from our home and that we'll make our physical separation a cooperative effort, including by making it as sensitive as possible to our children, Sammy and Rachel.

We agree not to use legal proceedings to define our relationship or duties toward each other. We'll make every effort to choose our actions and words based on our feelings for each other, our children, and our marriage instead of what we might argue we could legally force each other to do.

We'll continue to function as a team for our children (sharing information on them and making joint decisions for them). We'll continue to function as a single financial unit and will make major purchases only by agreement.

We'll use the following agreements to help us succeed in our marriage or, failing that, in assuring that any divorce is as civil, respectful, and sensitive as possible.

2. **Focus on Our Children:**

We'll consider not only our own interests but Sammy's and Rachel's when choosing any course of action.

We have both completed the work on www.WhileWeHeal.org and have merged our chosen Commitments to into a set of "Agreed Commitments to Sammy and Rachel." We'll regularly read something from those "Agreed Commitments" to help us do better for our children and ourselves.

To give ourselves some simple guides for better child-focused interaction, starting immediately we'll make every effort to observe the "8 Hidden Keys" from that website:

- Living by the Child Safety Zone

- Keeping Sammy and Rachel out of adult roles
- Sharing 10 good things about their other parent
- Celebrating what they get to do with their other parent
- Cheerfully encouraging calls to their other parent
- Promptly sharing child-related information
- Staying out of legal combat
- Enjoying and admiring Sammy and Rachel

We'll discuss our children's adjustment with our counselor (see #8 below) and consider counseling for them if they aren't doing well. We'll work out a schedule for Sammy and Rachel to have plenty of time with both of us. We'll try to ensure that neither child goes more than two days without spending time with each of us. We'll adjust our schedule as we learn more about how the separation is going and how our children are responding.

We'll work together and with our counselor on a short script we can share in a joint meeting with Sammy and Rachel about the family's circumstances and how we propose to make things better.¹ We'll have that family meeting with Sammy and Rachel in the next two weeks.

3. **Our Physical Separation:**

Without denying the sadness of our need to separate, we will plan ways we can use our actual separation to show Sammy and Rachel that we are working together, being courteous, and getting healthier in our interaction. Megan will help Ken move into his apartment, and we will introduce the children to the apartment together.

We agree not to visit or stop by each other's residence without specific invitation.

4. **Financial Considerations:**

¹ We'll use some of the following for guides in deciding together what to tell Sammy and Rachel:

- "Mom and Dad love you with all our hearts, and nothing will ever change about that."
- "We will always love and support you, and we will always be glad that you have both of us in your lives."
- "We are having some problems in the way we get along with each other, and we are taking steps to deal with those problems."
- "You didn't cause anything about those problems, you can't fix them, and Mom and Dad are completely responsible to work them out."
- "We have decided that [insert particulars about any separation, better way of relating, ending arguments, giving up trying to solve everything all at once, being more joyful, being more considerate toward them and each other, etc.]."
- "With this decision, some things will change, but many will stay the same."
- "Some of the things that will change are [insert age-appropriate particulars]."
- "Some things that will stay the same are [insert age-appropriate particulars, but certainly including that the children will have lots of time with both parents, will have lots of additional access by phone, that Mom will still do certain special things with them and that Dad will as well]."
- Perhaps include two or three comments from each parent valuing and admiring the children's relationships with the other parent.

We acknowledge that this separation, even with the help of our parents, has put a financial strain on the family. We promise to be conservative in our spending and to be open with each other before making any large expenditure. We'll make no purchases over \$50 without consulting and agreeing. We'll think of our family as a single financial unit needing to preserve its assets. Ken will continue to pay the basic house expenses (including mortgage principal and interest, taxes, and utilities), and we will communicate and cooperate on meeting all other financial obligations.

5. **Avoiding Legal Proceedings:**

We'll not use court and legal argumentation during the term of this separation agreement. As stated in #1, we will make every effort to choose our actions and words based on our feelings for each other, our children, and our marriage instead of what we might argue we could legally force each other to do.

6. **Family Activities:**

Both of us are open to sharing at least one family dinner and one family outing a week. The outing may be a day trip, a visit with any combination of our parents or close friends, or any other activity we mutually agree on.

7. **Spouse Communications and Activities:**

We'll use our good judgment to communicate constructively. We'll speak with each by phone about four times a week and will use email and text messaging as needed. We agree to courteously disengage from any conversation that is not going well, and each of us will respect the suggestion of the other that a conversation be stopped and tried later. We'll practice a new level of consistent courtesy in our communications.

We'll use what a handout on www.WhileWeHeal.org calls "joint legal custody," meaning that we will make the major child-related decisions (schooling, medical care, counseling, discipline, etc.) in the same cooperative way we would use if we were happily under the same roof. We'll promptly share all important child-related information, sincerely seek out and hear each other's suggestions for meeting our children's needs, come to joint decisions, and cooperatively implement those decisions.

We both agree to be open to dates without the children. Assuming that neither of us is dating anyone else, we'll both be free to invite intimate contact, and we will both remain free to accept or decline. We both agree that we will promptly let the other know of the intention to date anyone else.

We'll look over the [Care List](#) for ideas on things we may wish to do together or offer each other in the future.

8. **Counseling and Relationship Renewal:**

Within one week we will begin counseling with Lee Raffel and will continue to see her weekly, or on such other schedule as she recommends. We agree to do all homework assigned by Lee and to make all other efforts Lee recommends.

We'll make all reasonable efforts to see if our marriage can be renewed and saved. If it can be saved, we will do our best to see that it is made as joyful as possible. If it is not saved, we agree that we have a divorce that is as cooperative, courteous, and child-sensitive as possible.

We'll seriously consider participation in Retrouvaille or some other relationship renewal experience in the next two months.

9. **Personal Relationships with Others:**

While we do not presently intend to date others, we don't necessarily wish to withdraw from this separation agreement should one or both of us decide to date others. As stated in #7, we agree that either of us will promptly let the other know of any plans to date others. If necessary, we will use counseling to handle any such difficult issue.

10. **Communications with Others:**

We'll let our close friends and relatives know that we have chosen to have a constructive separation where we can adopt healthier ways of relating. We'll share no complaints about each other. We'll ask all these persons to avoid taking sides and, in fact, to understand that there are no sides to take. We'll ask them to support us and whatever we can create in terms of the best possible relationship between us.

11. **Other Special Matters:**

We agree to share approximately equally the driving and homework assistance duties required by our children.

We'll check periodically with the children's teachers and coaches to see how they seem to be doing, and we'll promptly discuss with each other what we learn.

12. **Term and Termination of Our Agreement:**

Our agreement will remain in effect for four months, at which time we'll mutually decide on the future of our relationship, including whether to reconcile, divorce, or extend our separation.

June 16, 2009

Signatures:

Sample No-Divorce-Today Separation Agreement
between Jack and Lynda Jacobi

Note: This is a merely sample of a separation agreement. It illustrates the sorts of issues couples customarily must address to keep their separation constructive and free of misunderstandings. Each couple's agreements must be the ones they find best and will differ in some respects from this sample. See [Carlson Agreement](#) above (page 1) for another example.

1. **Our Relationship:**

We separated about two months ago and started divorce proceedings. We now agree to suspend any legal proceedings in favor of a four-month separation where we focus on seeing if our marriage can be renewed and saved. We have both consulted with our attorneys and received their agreement and support for this new undertaking.

We'll make every effort to choose our actions and words based on our feelings for each other, our children, and our marriage instead of what we might argue we could legally force each other to do.

We'll continue to live in the residences we presently occupy (Lynda with her parents and Jack in the marital home). We'll use the following agreements to help us succeed in our marriage or, failing that, in assuring that any divorce is as civil, respectful, and sensitive as possible.

2. **Focus on Our Children:**

We'll consider our children, Jason and Nicole, when choosing any course of action.

We have both completed the work on www.WhileWeHeal.org and have merged our chosen Commitments to into a set of "Agreed Commitments to Jason and Nicole." We'll regularly read something from those "Agreed Commitments" to help us do better for our children and ourselves.

To give ourselves some simple guides for better child-focused interaction, starting immediately we'll make every effort to observe the "8 Hidden Keys" from that website:

- Living by the Child Safety Zone
- Keeping Jason and Nicole out of adult roles
- Sharing 10 good things about their other parent
- Celebrating what they get to do with their other parent
- Cheerfully encouraging calls to their other parent
- Promptly sharing child-related information
- Staying out of legal combat
- Enjoying and admiring Jason and Nicole

We'll discuss our children's adjustment with our counselor (see #8 below) and consider counseling for them if they aren't doing well.

Unless we agree otherwise, we will continue to live by our present schedule in sharing parenting time (from after school until 7:00 p.m. with Lynda on school days; weekends and holidays to be shared equally).

We acknowledge that our original separation was largely unplanned and chaotic. We'll work together on a short script we can share in a joint meeting and talk with Jason and Nicole about the family's circumstances and how we propose to make things better.² We'll have that joint meeting and talk with Jason and Nicole within the next three days.

3. **Our Physical Separation:**

As stated in #1 above, we will continue to live in our separate residences for the immediate future.

We agree not to visit or stop by each other's residence without specific invitation.

4. **Financial Considerations:**

We acknowledge that this separation, even with the help of our parents, has put a financial strain on the family. We promise to be conservative in our spending and to be open with each other before considering or making any large expenditure. We'll make no discretionary purchases over \$50 without consulting and agreeing.

² We'll use some of the following for guides in deciding together what to tell Jason and Nicole:

- "Mom and Dad love you with all our hearts, and nothing will ever change about that."
- "We will always love and support you, and we will always be glad that you have both of us in your lives."
- "We are having some problems in the way we get along with each other, and we are taking steps to deal with those problems."
- "You didn't cause anything about those problems, you can't fix them, and Mom and Dad are completely responsible to work them out."
- "We have decided that [insert particulars about any separation, better way of relating, ending arguments, giving up trying to solve everything all at once, being more joyful, being more considerate toward them and each other, etc.]."
- "With this decision, some things will change, but many will stay the same."
- "Some of the things that will change are [insert age-appropriate particulars]."
- "Some things that will stay the same are [insert age-appropriate particulars, but certainly including that the children will have lots of time with both parents, will have lots of additional access by phone, that Mom will still do certain special things with them and that Dad will as well]."
- Perhaps include two or three comments from each parent valuing and admiring the children's relationships with the other parent.

When it comes to preserving assets, we will think of our family as a single financial unit needing to preserve its assets.

Jack will continue to pay the basic house expenses (including mortgage principal and interest, taxes, and utilities), and we will communicate and cooperate on meeting all other financial obligations.

5. **Avoiding Legal Proceedings:**

We'll not use court and legal argumentation during the term of this separation agreement. As stated in #1, we will make every effort to choose our actions and words based on our feelings for each other, our children, and our marriage instead of what we might argue we could legally force each other to do.

6. **Family Activities:**

Both of us are open to sharing at least one family dinner and one family outing a week. The outing may be a day trip, a visit with any combination of our parents or close friends, or any other activity we mutually agree on.

7. **Spouse Communications and Activities:**

We'll use our good judgment to communicate constructively. We'll speak with each by phone about four times a week and will use email and text messaging as needed. We agree to courteously disengage from any conversation that is not going well, and each of us will respect the suggestion of the other that a conversation be stopped and tried later.

We'll practice a new level of consistent courtesy in our communications.

We'll use what a handout on www.WhileWeHeal.org calls "joint legal custody," meaning that we will make the major child-related decisions (schooling, medical care, counseling, discipline, etc.) in the same cooperative way we would use if we were happily under the same roof. We'll promptly share all important child-related information, sincerely seek out and hear each other's suggestions for meeting our children's needs, come to joint decisions, and cooperatively implement those decisions.

Assuming that we remain in the counseling described below, we both agree to be open to dates without the children in one month. At that time, we will both be free to invite intimate contact, and we will both remain free to accept or decline.

We'll look over the [Care List](#) for ideas on things we may wish to do together or offer each other in the future.

8. **Counseling and Relationship Renewal:**

Within one week we will begin counseling with Lee Raffel and will continue to see her weekly, or on such other schedule as she recommends. We agree to do all homework assigned by Lee and to make all other efforts Lee recommends.

We'll make all reasonable efforts to see if our marriage can be renewed and saved. If it can be saved, we will do our best to see that it is made as joyful as possible. If it is not saved, we agree that we have a divorce that is as cooperative, courteous, and child-sensitive as possible.

We'll seriously consider participation in Retrouvaille or some other relationship renewal experience in the next two months.

9. **Personal Relationships with Others:**

We do not intend to date, and won't date, others during the term of this agreement.

10. **Communications with Others:**

We'll let our close friends and relatives know that we have chosen to have a constructive separation where we can adopt healthier ways of relating. We'll share no complaints about each other. We'll ask all these persons to avoid taking sides and, in fact, to understand that there are no sides to take. We'll ask them to support us and whatever we can create in terms of the best possible relationship between us.

11. **Other Special Matters:**

We agree to share approximately equally the driving and homework assistance duties required by our children.

12. **Term and Termination of Our Agreement:**

Our agreement will remain in effect for four months, at which time we will mutually decide on the future of our relationship, including whether to reconcile, divorce, or extend our separation.

June 16, 2009

Lynda Jacobi

Jack Jacobi

Mediator