

# SEPARATION AGREEMENT

(INFORMATIONAL HANDOUT: THIS IS NOT LEGAL ADVICE!!)

**What is a Separation Agreement?** It is a written legal document or contract between two spouses wanting to separate before or during the divorce process, and establishes terms by which each spouse will have to abide until the divorce is final. It addresses matters such as property, debt, and financial asset division; spousal maintenance; and child custody & support. Once signed by each spouse, it becomes a binding contract between them. It contains binding and – in most cases – final promises. Please speak to an attorney to see if a separation agreement may benefit you and your family.

*No one can compel a spouse to sign a separation agreement, not even a First Sergeant or commander!*  
A separation agreement must be voluntarily entered into and signed. No law or regulation can require a separating couple to execute a separation agreement, including ERD requests. Coercion, fraud, undue influence, or lack of knowledge will void the terms of a separation agreement.

If any party wants to change the terms of the Separation Agreement; both parties are free to renegotiate the terms of the Separation Agreement. However, it can be modified only if both parties agree to the new terms. Of course, a court can always order changes to the Separation Agreement, especially in areas affecting children.

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## Process of obtaining one:

### Camp Foster Legal Assistance

- Speak with an Attorney during our Walk-In hours (Mon-Fri @ 0800-0900).
- Attorney will provide a separation agreement worksheet for you to fill out.
- Once turned in, the drafting of the separation agreement commences (time frame: about 2-3 weeks).
- Attorney and Client will set up an appointment to go over and execute the separation agreement.

**Please note: OUR OFFICE IS ONLY ABLE TO REPRESENT ONE PARTY.** The one who comes to the office first and establishes an ‘Attorney-Client relationship’ will be the only one seen. The other party will be conflicted out and asked to seek legal services from a different office.

### Kadena Legal Assistance

- Kadena legal assistance DOES NOT draft separation agreements. They do, however, provide general legal advice on whether their clients would benefit from a separation agreement.

### Torii Station Legal Office

- Pick up a separation agreement worksheet from their front office to take home and fill out.
- Once the separation agreement worksheet has been filled out, speak with an Attorney during their Walk-In hours (Mon-Wed & Fri @ 0800-1100; Thursdays @ 1300-1600).
- The drafting of the separation agreement commences (time frame: about 2-3 weeks).
- Set up an appointment with their front office for a date to go over and execute the separation agreement.

### Hire a Civilian Attorney in the U.S.A.