

Checklist for MOUs & Separation Agreements

Note: This is intended to be a minimum list of necessary information to settle a divorce. In cases with special or unusual circumstances, then additional information about those circumstances should be included. For example, if the parents have a child with special needs, the parenting plan will need to include additional information relating to those needs.

- Identifying Information for both spouses and any children (name, address, and date of birth)
- Marriage Information (date and place of marriage, date of separation)
- Parenting Responsibilities & Parenting Plan
 - Decision Making Responsibility
 - Parenting Base Schedule
 - Holiday/Vacation Schedule
 - Communication Agreements
 - Travel Agreement
 - Modification requirements
 - Introduction of Significant Others
- Child Related Expenses & College Expenses
 - Division of Amount
 - Process for Agreeing or Modifying
 - Reimbursement Plan
- Child Support
 - Child Support Guidelines
 - Amount, Frequency and Deviation information if relevant
 - Modification provisions
 - Emancipation provisions
- Alimony
 - Amount, Frequency and Duration of Support
 - Identify Termination or Modification Provisions
- Health Insurance
 - Identify Plan for Spouse's insurance and children's insurance
 - Identify responsibility for cost
 - Modification provisions
- Life Insurance
 - Identify Plans and ownership
 - Identify any ongoing obligation; amount and duration
- Assets & Liabilities
 - Division of Real Estate and obligations for maintenance or other responsibilities
 - Division of Bank Accounts
 - Division of Retirement Accounts
 - Division of other assets (equity, trusts, images, businesses, rewards, embryos, etc.)
 - Division of Liabilities
 - Division of Personal Property
- Responsibility for Legal Fees & Expenses
- Taxes

- Identify outstanding liabilities and responsibility
- Final Joint Tax Return responsibility and division
- Assign Child Related Tax Benefits
- Assign any other tax benefits (marital home deduction)
- Dispute Resolution Provisions

Additional Provisions that should be included in final Separation Agreement (legal contract):

- Reference to any open Court action (or intention to file Joint Petition)
- Agreement Terms & Status of Provisions (Merger & Survival)
- Contract Recitations
 - Full Disclosure
 - Acknowledgement of Advice or Opportunity for Advice
 - Full Settlement of all Claims
 - Acknowledgement that agreement is Fair, Reasonable, and Voluntary
- General Provisions
 - Separate Status
 - Separate Finances
 - Waiver of Estate Claims
 - Additional Instruments and Documents
 - Entire Understanding
 - Modification of Agreement
 - Breach of Agreement
 - Partial Invalidity
 - Effect of Headings
 - Non-Waiver of Performance
 - Specific Performance
 - Applicable Law
 - Ambiguities
 - Acknowledgement of Mediated Agreement
 - Sealed Instrument
 - Counterparts
 - Effect of Bankruptcy
 - Binding Effect



This Checklist is provided as a resource for mediators and divorcing couples from Gray Jay Endeavors, LLC. The intent is to assist couples in addressing all necessary issues in a divorce and the form is designed specifically for Massachusetts divorces. No form can fit every situation and you are encouraged to add sections, if necessary, to cover your situation.

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<https://grayjayendeavors.com/disclaimer/> If you do not accept these terms and conditions, then do not use this form.

In Massachusetts, a Memorandum of Understanding must be converted to a full Separation Agreement for submission to the court for approval. A free MOU template is available at GrayJayEndeavors.com Full Separation Agreement templates can be purchased by visiting GrayJayEndeavors.com

Some attorneys and mediators will also offer flat fee drafting of full Separation Agreements if you need assistance converting your MOU into a Separation Agreement. One such firm, Skylark Law & Mediation, PC., publishes their pricing online and gives discounts for using the Gray Jay MOU form. Learn more at SkylarkLaw.com