

Memorandum of Understanding
January 1, 2012 (DRAFT)

SEPARATION

[MOTHER'S NAME] and [FATHER'S NAME] have mutually agreed to a marital separation. They will begin living separately on [DATE].

CHILDREN

[MOTHER'S NAME] and [FATHER'S NAME] agree that the interests of their children, [CHILD'S NAME] and [CHILD'S NAME], are of utmost importance, and they will continue to make decisions according to the children's best interests. *[You may want to include some statement of your philosophy... optional]*

Weekly Schedule

[MOTHER'S NAME] and [FATHER'S NAME] agree to the following weekly schedule for sharing time with [CHILD'S NAME] and [CHILD'S NAME]:

[CHILD'S NAME] and [CHILD'S NAME] will reside with their mother, except during the following times:

[CHILD'S NAME] and [CHILD'S NAME] will be with their father every Thursday from 5PM until 7PM and every other weekend from 5PM on Thursday until 5PM on Sunday. The children will be exchanged within 15 minutes before or after these times.

[There are many options for a parenting plan, of course.]

Holiday Schedule

[MOTHER'S NAME] and [FATHER'S NAME] agree to alternate the following holiday schedule for sharing time with [CHILD'S NAME] and [CHILD'S NAME]. That is, the children's time with each parent will be reversed in successive years. The holiday schedule will supercede the weekly schedule.

The Thanksgiving holiday will include the entire four-day weekend, beginning Wednesday evening at 5 PM and ending Sunday at 5 PM. In 2008, the children will spend this holiday with [MOTHER'S NAME].

The Christmas holiday will include the entire school vacation. The children will spend the first half of this holiday (including Christmas day and ending at noon on the 27th) with one parent, and they will spend the second half of this holiday with the other parent (including New Year's Day and ending on January 2). In 2008, the children will spend the first half of the Christmas holiday with [FATHER'S NAME] and the second half with [MOTHER'S NAME].

[It's best to plan holidays well in advance, even if times are not specified in the agreement. Many more holidays could and often should be included.]

Each parent may take the children away for a two-week vacation during the summer. These plans will be arranged by May 1 of each year.

Other Parenting Issues

Each parent is free to telephone the children at the other parent's residence shortly after dinner each evening (approximately 7PM).

The parents will speak on the telephone for approximately 5 to 10 minutes each Wednesday evening at 9 PM to discuss matters concerning the children.

Emails and telephone messages will be used only for communicating brief, factual issues about the children such as special events or activities. Emails should be no more than 2 or 3 lines; telephone messages should be no more than about 30 seconds long.

[Optional but highly recommended means of communication about children.]

Legal Custody

[MOTHER'S NAME] and [FATHER'S NAME] will share joint legal custody for [CHILD'S NAME] and [CHILD'S NAME]. They will jointly share life decisions concerning the children's education, religious training, and elective medical, dental, and psychological care.

[MOTHER'S NAME] and [FATHER'S NAME] agree to work to coordinate rules and routines in their two households, but each respects the other's authority to make day to day decisions about parenting in their own household.

CHILD SUPPORT

[FATHER'S NAME] will pay [MOTHER'S NAME] \$800.00 in child support on the first day of each month. The child support figure will be readjusted on June 1 of each year based on the individual income reported by each parent on federal tax returns and the Virginia child support schedule in effect at that time.

[MOTHER'S NAME] and [FATHER'S NAME] will share child care expenses for (a) the cost of providing medical insurance for the children, (b) uncovered medical, dental, psychological, and optical expenses over \$100.00, and (c) the cost of child care related to employment. These expenses will be divided in proportion to their incomes, as revised on May 1 of each year. (Currently [MOTHER'S NAME] will pay .43 and [FATHER'S NAME] will pay .57). Any payments [FATHER'S NAME] makes to [MOTHER'S NAME] for these expenses will be in addition to the regular monthly child support.

[There are clear state guidelines here.]

[MOTHER'S NAME] and [FATHER'S NAME] also will share expenses in proportion to their incomes for the children's extracurricular activities (sports, camps, music lessons) in excess of \$100.00 provided that they both agree on the children's participation. Currently, these agreed upon activities include weekly piano lessons for both children, travel soccer for [CHILD'S NAME], and at least 2 weeks of summer camp (to be arranged annually) for [CHILD'S NAME] and [CHILD'S NAME].

College expenses? ****WE HAVEN'T ADDRESSED THIS**** (Continue child support amount toward college, agree to share equally in cost of college at a state school, say nothing??)

[In drafting an agreement, I will often include flags like this.]

SPOUSAL SUPPORT

[FATHER'S NAME] will pay [MOTHER'S NAME] \$500.00 per month in spousal support for a period of 5 years, beginning on ... and ending.... Spousal support will be paid the first day of each month.

PROPERTY

[MOTHER'S NAME] and [FATHER'S NAME] will continue joint ownership of their residence which is now listed for sale. [MOTHER'S NAME] is currently living in this residence. While [MOTHER'S NAME] is living there, [MOTHER'S NAME] will pay all expenses associated with maintaining the household such as heat and electricity, as well as routine upkeep.

[MOTHER'S NAME] and [FATHER'S NAME] will equally share in the net profit of the house when it is sold.

[MOTHER'S NAME] and [FATHER'S NAME] have agreed to the division of various items of personal property. Several items of personal property remain in the joint residence, and these are to be sold. [MOTHER'S NAME] and [FATHER'S NAME] will divide the profit from these items equally.

OTHER

[MOTHER'S NAME] and [FATHER'S NAME] agree that they each will claim one child as a dependent for the purposes of income taxes. [MOTHER'S NAME] agrees to sign the appropriate forms assigning one deduction to [FATHER'S NAME].

If either parent plans a residential move of a distance of 100 miles from the other's residence, [MOTHER'S NAME] or [FATHER'S NAME] will notify each other of this plan at least 3 months in advance for the purposes of renegotiating the schedule with [CHILD'S NAME] and [CHILD'S NAME].

Handout 2

[MOTHER'S NAME] and [FATHER'S NAME] agree that if any disputes arise about this agreement or matters related to parenting [CHILD'S NAME] or [CHILD'S NAME], they will attempt to resolve the disputes with the aid of a mediator before initiating legal action.

Full mother's name

Full father's name