

Divorce Settlement Agreements – The Devil is in the Lack of Details – Part II.

Article By:

Family Law & Domestic Relations Practice

To get divorced in Virginia, all issues must be resolved regarding the marital estate. The most cost effective way of resolving all issues is by reaching an agreement with your spouse. However, failing to carefully consider the details will leave you spending tens of thousands of dollars later as you battle over missed details or ambiguity.

Areas in which parties often fail to include sufficient details to have a functioning long-term agreement include, how to modify child support, children's' extra-curricular activities and who pays for them, how to make the decision about college when the parties agree to split the costs, unreimbursed medical expenses for out of network medical care, information required to exchange when the children are out of town or out of state, and the method for resolving disagreements when they inevitably arise.

Child support continues until there is a new order. Often, the payor spouse simply reduces child support payments by one half when one of the two children emancipates, which can lead to litigation. However, if the parties define the method for re-calculation of child support and when the new amount will take effect, the parties can save costly litigation over the modification. If the parties include language about extra-curricular activities to which both parties agree, they will prevent one spouse from enlisting the children in expensive activities and expecting reimbursement from the other. Similarly, if parties include language about college expenses, they absolutely should include a means for deciding how much will be contributed for college. There is a big difference between in-state prices and an out-of-state alma mater of the other parent. Including language that limits a parent's liability makes the process less litigious later. Also, children will inevitably need medical care and one parent may wish to utilize an expert not covered by the parties' health plan. Having language that discusses the options will save acrimony in a health crisis. Lastly, every parent should know where their child is when that child is taken out of town. Many agreements concerning custody will include language that each party must provide all travel plans, contact information and itineraries at least 48 hours prior to travel.

Failure to include these types of details leads divorced parties to years of conflict and expensive litigation later, trying to correct a lack of details in drafting the agreement. Including a means for resolving conflicts, such as a mediation clause or required notice provision for breaches, will save knee-jerk trips to court. Having an experienced domestic attorney draft or at least review the parties'

agreement will save you future conflict and litigation costs.

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