

# 10 Common Mistakes and Oversights in Divorce Agreements (Related to the Children)



by: [Anju D. Jessani, MBA, APM - Accredited Professional Mediator](#)

As a divorce mediator in private practice who also provides pro bono services in the New Jersey court system, I have reviewed over two-hundred divorce agreements. I also see couples coming back for post-divorce litigation and mediation. Often, what brings them back are errors, omissions, and oversights in their original divorce agreements. So, for the benefit of those currently going through the divorce process, here's my list of top ten mistakes and oversights related to children.

1. ***No Specific Parenting Schedule (liberal and frequent visitation clause).***
2. ***No Provision of Access to or Sharing of Medical and School Records (although NJ law now provides for this).***
3. ***No Provision for Discussion Prior to any Geographic Moves.***
4. ***No Provision for Domestic and/or Overseas Travel and Travel Restrictions.***
5. ***No Provision for Future Elective Medical Procedures Such as Orthodontia.***
6. ***No Provision for Potential Impact of Loss of Employment or Disability.***
7. ***No Provision on Method to Handle Future Disputes and Expenses.***
8. ***No Provision for a Periodic Review of Child Support Amount.***
9. ***No Provision for Changing Parenting Time Schedules with the Age of the Child.***
10. ***No Provision for or Discussion of Future College Choice and Costs.***

Without going into details on each of the points, let me address the first point, because this is far and away the biggest problem for the courts. At the time of the divorce, one or both parents state that they don't need a schedule - they can work the schedule out and both parents are free to see the children anytime they want. This doesn't give the children much assurance. Most children need the security of knowing where they are going to be and with whom. Holidays become complete chaos with both parties wanting the children at the same time. Sometimes, the parenting schedule breaks down completely when the first of the parties starts dating. So, do yourself, your ex-spouse and your children a favor. Work out a schedule with clear pickup and drop-off times. Get a copy of the children's school schedule so that you account for all the children's holidays including teachers' conventions, winter and spring break, etc. Once you have a schedule, you can always adjust it to meet each other's needs.

*Don't commit to provisions that you cannot live up to just to get the divorce process over with. I see some parents agreeing to pay their share of the cost of private school, without*

*factoring the impact of child support and childcare on their budget. Don't agree to see the children on Wednesday evenings if you know that you must work late most weekdays.*

You can learn a lot from other people's experiences and mistakes. 50% of marriages end in divorce. Talk to friends and network with people who have been through the divorce process. Share your situation with them. Listen to what other people have to say, but also try and read between the lines when you hear their stories. Consult with attorneys on legal issues, but also educate yourself on divorce laws. By paying attention to what's going on in the process instead of burying your head in the sand, you can save yourself money, time and future heartaches and headaches.

If you have a story you want to share, a provision in your agreement that helped you, or an omission or mistake that later reared its ugly head, please write to me. I can be reached at 223 Bloomfield Street, Suite 104, Hoboken NJ 07030.



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[Please contact us at ajessani@dwdmediation for more information](mailto:ajessani@dwdmediation)