

Separation Agreements Research Guide

Overview

This research guide includes information and resources on separation agreements. A separation agreement is “an agreement between spouses in the process of a divorce or legal separation concerning alimony, maintenance, property division, child custody and support, and the like.” (*Black’s Law Dictionary, 11th ed.*) **It is important to note that the state of Texas does not recognize legal separation.** The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Family Code

- §3.410 Effect of Marital Property Agreements <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.3.htm#3.410>
- Ch. 4 Premarital And Marital Property Agreements <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.4.htm#B>

Secondary Resources in Print

Texas Family Law Practice Manual REF KFT 1294.T4S7

- Vol. 4, Ch. 63 Property Agreements, Form 63-9 Separation Agreement

Texas Transaction Guide REF KFT 1268 .K45

- Vol. 22, Ch. 94 Postnuptial Agreements, Section D. Separation Agreement

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 22, Ch. 363 Division of Property

Texas Practice Series REF KFT 1280 .T4

- Vol. 33, §10:28 Property agreements may change rules
- Vol. 33, Ch. 11 Property Agreements Spouses

Texas Family Law Practice and Procedure REF KFT 1294 .F35

- Vol. 5, Task X4 Creating Separation Agreement

Stevenson’s Texas Legal Practice Forms REF KFT 1268 .S85

- Vol. 1, Ch. 11 Family Law Matters
 - §11:19 Marital property agreements
 - §11:20 Agreements to convert separate property to community property
 - §11:26 Form—Agreement converting community property to separate property
 - §11:27 Form—Agreement converting separate property to community property

Texas Practice Guide REF KFT 1280 .T4931

- Family Vol. 2, Ch. 7 Post-Trial Dissolution Practice

NOLO’s Essential Guide to Divorce 9th ed. REF KF 535 .Z9 D67

- Ch. 1 Getting Oriented, Separation or Divorce?, pgs. 5-10

NOLO’s Legal Guide for Lesbian and Gay Couples 20th ed. REF KFT 539 .L44

- Sample Postseparation Agreement Regarding Housing, pgs. 323-324

West’s Texas Forms REF KFT 1268 .W47

- Vol. 16, Ch. 2 Property Agreements

CLE Materials

New Frontiers in Marital Property Law KFT 1297 .A75N48

- 2020 Ch. 4 The Vaccination (contains sample operating agreement regarding certain interests)

Online Resources

Alternatives To Legal Separation (Texas Law Help)
<https://texaslawhelp.org/article/alternatives-to-legal-separation-in-texas>

Separation In Texas (blog)
<https://thetexasdivorcelawyer.com/blog/separation-work-texas/>

Legal Separation Frequently Asked Questions
<https://www.divorcenet.com/resources/legal-separation-in-texas-faqs.html>

Separation Agreements
<https://familytexas.com/legal-separation-in-texas/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)