

Signing your separation agreement

It is best to take your separation agreement to a lawyer to get **independent legal advice** before you sign. Do not sign your separation agreement until you meet with a lawyer.

It is especially important to meet with a lawyer if English is not your first language. A lawyer can explain the legal language and tell you what the agreement means for you. If you decide to sign the agreement, the lawyer will witness your signature. The lawyer will also certify that you have received independent legal advice.

We advise that you talk with a lawyer, but if you decide **not** to go to a lawyer before you sign, you can follow the steps below for signing your separation agreement.

Important: Do not remove standard paragraphs from the agreement. Removing them may make it harder to enforce the agreement and harder to hold the other party to the terms of the agreement later. Enforce means taking legal steps to carry out or make sure the terms of an agreement or court order are followed.

1. Download and print your agreement.

Download and print:

- 5 copies of your separation agreement and attachments
- these steps for signing your separation agreement

2. Read your separation agreement. Get independent legal advice.

Both parties to the agreement should use this checklist to show that the statements below are true:

- ☐ I understand what the separation agreement says and what it will do.
- ☐ I understand my legal rights and responsibilities under the agreement.
- ☐ The separation agreement says what I want it to and reflects my wishes.
- ☐ I understand that I will not be able to change our agreement about how our property will be divided.
- ☐ I understand that it is best for each of us to get independent legal advice about the agreement.
- ☐ There are no typos or mistakes. For example, all names are spelled correctly

- ☐ I have stapled the attachments and our Division of Assets spreadsheet to the agreement

If anything in your separation agreement needs to be changed, you must make the change in the Separation Agreement pathway, then print new copies. You must see a lawyer if there is something you want to add to the agreement that is not covered in the pathway.

Do not cross things off or try to fix or add to it by hand. You must have clean copies of your separation agreement to sign. Everything in it must be correct and say what you want it to say before you sign it. Once you and your spouse have signed the agreement, it is very difficult to change it unless you both agree.

3. Choose your witness.

Before you sign your agreement, arrange for someone to be a witness. Your witness cannot be your spouse or dependent children who are named in the agreement. Your witness must be at least 19 years old and must be mentally capable.

Your witness must be with you when you sign the separation agreement.

Your witness does not need to know what the agreement says. They just need to know who you are and that they watched you sign the agreement.

4. Sign and date your separation agreement.

Don't sign the agreement if you are not happy with it.

The two parties to the separation agreement may sign the agreement together on the same day and at the same time, or they may sign it separately. But in each case, the witness should be there with the person who is signing the agreement, and each person signing the agreement should fill in the date when they sign it.

Sign your separation agreement while your witness is with you.

- Put your initials on the bottom right corner of each page.
- Fill in the date before you sign it.
- Sign your agreement at the end in the space provided.
- Your witness should also sign in the space provided and put their initials on the bottom right corner of each page. Make sure they print their name so people will know who witnessed your signature.

5. Other things to do after you separate.

1. Keep your separation agreement where it will not be damaged by things like pets, mold, a fire, or flooding. A safe place to store your separation agreement is a fire-proof metal box like a filing cabinet or cash box.
2. Think about registering your agreement with the court to make it into a court order. Registering an agreement with the court makes it **enforceable**. Enforceable means legal steps can be taken to make sure the terms of an agreement or court order are followed. For example, an agreement about child or spousal support must be registered with the court before Nova Scotia's [Maintenance Enforcement Program](#) can take steps to collect support from the payor. Legal steps to enforce may include things like taking money from a payor's wages or suspending their driver's licence if they fall behind on payments. Read the [Guide to Registering a Separation Agreement](#) at nsfamilylaw.ca for more information. Registering your separation agreement with the court also makes sure that there is an official copy kept in a safe place.
3. Review your [will](#). Make sure your will follows the terms of your separation agreement. Make a new will if you need to change anything. Note that if you get divorced, parts of your will are no longer valid. In Nova Scotia, divorce revokes the parts of a will that give a gift to a former spouse, provide a benefit to a former spouse, or name them as executor. There are exceptions: the will, a separation agreement or marriage contract may say that these parts of the will are not affected by a divorce.
4. Review your [power of attorney](#) for your financial affairs, and your [personal directive](#) for health and other personal care decisions. In each case make a new one if you need to change anything. For example, if you named your former spouse as your attorney or monitor under your power of attorney, or as your delegate under your personal directive, you may want to change that.
5. If you have children who are younger than 19, see a lawyer to make or update your Child Guardian Appointment, or use the free basic [Child Guardian Appointment form](#) from the Legal Information Society's website at www.legalinfo.org to name a guardian for your children. Your Child Guardian Appointment must follow the parenting terms of your separation agreement.
6. Review any assets that you own jointly with your spouse, with right of survivorship, and any assets naming your spouse as beneficiary. Make sure they

reflect your separation agreement and still do what you want them to. Update them if you need to.

Examples are:

- joint bank accounts
 - jointly owned real property
 - registered savings accounts that let you name someone to get the money directly, like RRSPs, RRIFs, and tax-free savings accounts (TFSA)
 - pension plans and the beneficiary
 - life insurance policies and the beneficiary
7. Update close family and emergency contacts, such as your employee benefits provider and health care providers.
 8. After you have been separated for at least 90 days, tell the [Canada Revenue Agency \(CRA\)](#) about the separation.
 9. After you have been separated for at least 90 days you may apply to have the [Canada Child Benefit](#) assessed based on your new parenting and financial situation.
 10. [Apply for a division of the Canada Pension Plan credits](#) that you and your spouse earned during your relationship. There may be a deadline to do this so make sure you do it right away.

This is a publication of the Legal Information Society of Nova Scotia, 2025. It explains the law in a general way as it applies in Nova Scotia, Canada. The information is not intended as legal advice. If you have a legal problem, contact a lawyer for advice about what steps you should take in your situation.

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