Lowndes

Prenuptial & Postnuptial Agreements

How do I protect myself… just in case?

A prenuptial agreement, commonly referred to as a "prenup," is a legal agreement entered into by both spouses before marriage. Prenuptial agreements serve to protect each of you financially in the event of a divorce or legal separation. They are particularly important if one or both of you is entering the marriage with a large amount of assets. Prenuptial agreements also outline the rules and procedures to be used should the marriage end in divorce, which reduces conflict during any subsequent divorce proceedings.

Postnuptial agreements serve the same purposes as prenuptial agreements, except they are entered into by both spouses after you are already married. Not having a pre- or postnuptial agreement can lead to a bitter and costly trial where a judge, and not you and your spouse, will determine important issues such as the division of your assets and liabilities, alimony payments, child support, and timesharing. Each state has specific laws regarding what can and cannot be included in a pre- or postnuptial agreement, and a prenuptial or postnuptial agreement can be thrown out by a judge if it is prepared improperly.

Further, in the absence of a pre- or post-nuptial agreement, the income earned and assets received by a spouse during the marriage may likely be considered marital and subject to division in the event of a divorce, including potentially the appreciation or enhancement of non-marital assets. Having a strong prenuptial or postnuptial agreement in place can help ensure that your pre-marital assets are protected in the event of divorce.

Our attorneys can assist in preparing, reviewing, and enforcing your prenuptial or postnuptial agreement and can help you defend against an action that your spouse may bring to enforce the terms of an agreement if it was entered into improperly.

Contact

For questions about your family law matter, contact our Family & Marital Law team.

Key Contacts

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Related Expertise

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Paternity & Unmarried Parents
Prenuptial & Postnuptial Agreements
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