

MARITAL AGREEMENT
entered into on the _____ day of _____, 20____
for the laws of _____
control their own property
but do not

Family Law Webinar: Part 1
Get to Know Nuptial Agreements
October 22, 2020

Our Presenters



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Agenda

- Introduction to pre- and post- nuptial agreements
- Pros and cons
- What to include
- Common mistakes and pitfalls
- Questions and answers

Nuptial Agreement

- What is a “nuptial” agreement?
- Should everyone have a “nuptial” agreement?
- How do you know whether you need one?

Pros of Nuptial Agreements

- Many marriages end in divorce
- Control your destiny
- “Belts and suspenders”
- Court consideration/recognition

Cons of Nuptial Agreements

- Awkward – until death do us part
- Can't guaranty that it will be upheld
- Laws and circumstances change
- People move states/jurisdictions

What to Include

- Full disclosure of assets and liabilities (a must)
 - Complete list of assets/values
 - Complete list of liabilities/amount owed
- Additional disclosures (recommended)
 - Age
 - Condition of mental and physical health
 - Employment status
 - Amount and source of income
 - Names/ages of children

What to Include (continued)

- Both sides represented by counsel and declarations of counsel
- Tailor to your circumstances so that the agreement is fair
- Clear definition of marital and separate property

Avoid Common Mistakes & Pitfalls

- Full disclosure
- Both parties need independent counsel
- Plan ahead
- Don't overreach – be fair

How are Post-Nups different?

- Stricter scrutiny
- Need consideration other than marriage
- Cannot offend public policy

Thank You



Susan leads our Family practice group. She specializes in all aspects of domestic relations law, including divorce, separation, custody, parenting time, child support, spousal support, paternity, post-nuptial and prenuptial agreements, change of domicile, post-judgment modifications, and other family law matters. In addition to representing and advocating for both men and women in domestic relations matters, Susan also serves as a neutral mediator and arbitrator.

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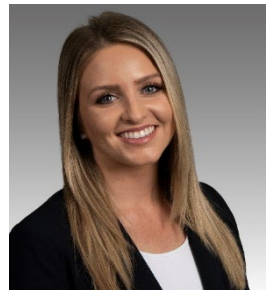
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Jennifer is an attorney who concentrates her practice in family and domestic relations law, which includes routine and complex divorces, post-judgment matters, custody and parenting time disputes, pre- and post-nuptial agreements, cohabitation agreements and dissolution of relationship matters, child support, paternity, change of domicile, adoption, and personal protection orders.

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Kristi is an attorney whose practice centers around all aspects of domestic relations law, including divorce, separation, custody, parenting time, child support, spousal support, paternity, post-nuptial and pre-nuptial agreements, change of domicile, post-judgment modifications, and other family law matters.

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