

DIVORCE AND FAMILY LAW

Q Can a prenuptial agreement strengthen a marriage?

A Premarital agreements have grown in popularity. Prenups are contracts that provide certainty over which assets (such as gifts, inheritances, business interests and premarital property) will be “his”, what will be “hers”, and what is “ours” regardless whether the marriage ends by death or divorce. Interestingly, many now suggest that couples with prenups are significantly less likely to get divorced because discussing a prenup forces a couple to discuss how money will be managed, a difficult and often taboo subject. The basic structure of a prenup is quite simple, though the drafting can sometimes be complicated, so engaging an experienced lawyer is critical. Prenups are a bargain given the certainty they provide and the risks and expense they avoid. Once signed, the couple usually expresses relief for having achieved a sense of control over their now shared destiny and gratitude for having learned a great deal about each other.

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