

What We Know

ARTICLES & INSIGHTS

ABOUT THE AUTHOR

Is a prenuptial agreement right for me?

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Should I or shouldn't I? Get a [prenuptial agreement](#), that is. The idea of a prenuptial agreement can be an uncomfortable topic to broach with someone you love and are considering marrying; simply contemplating the subject seems to contradict the romantic expectations that have led you to this point. But if the possibility is on your mind, the best time to address it may well be before you become engaged. Drafting a prenuptial agreement at this stage gives you and your significant other an opportunity to discuss and agree upon property and financial issues in advance of saying "I do," avoiding future conflict and significant legal costs should the marriage come to an end.

Prenuptial agreements are a useful option for many couples, but are not necessarily for everyone. It is common for me to meet with couples wanting a prenuptial agreement, who are going into their second or third marriages and may own businesses or property. They view a prenuptial agreement as a marital insurance policy designed to protect what they have earned and to make sure their children are financially taken care of if things don't work out. In their situation, it can prove a helpful step. Would I advise a young couple with little assets to get a prenuptial agreement before their wedding? Not as likely. However, as couples continue to wait longer to tie the knot, and are thus more financially settled, protecting their assets can be a major concern even in a first marriage. Whether or not a couple decides to draft a prenuptial agreement, it is important for them to discuss financial expectations and commitments before walking down the aisle. Having property issues figured out ahead of time curbs that topic of conversation with your lawyer, saving you time and money.

Here are some questions to consider when deciding on whether or not a prenuptial agreement is right for you:

- Is this your first marriage or a subsequent marriage?
- How does each of you handle debt?
- Are you both responsible with your finances?
- Do you share common financial goals?
- Do you have children from a prior marriage for whom you want to provide financial security?
- Is there a business involved?
- Do you both plan to remain employed?

- Do either of you have aging parents who may need financial assistance?

These are but a few questions you should consider discussing with an attorney who can advise you on North Carolina law and whether a prenuptial agreement is for you. No, prenuptial agreements are not for everyone, but depending on your unique situation, a prenuptial agreement may be in the best interest of you and your family.

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