

# What We Know

## ARTICLES & INSIGHTS

### ABOUT THE AUTHOR



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## Tips For Navigating a Prenuptial Agreement Conversation

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This article will go through some helpful tips on approaching the topic of a prenup. This is one of the most challenging conversations a couple can have, so having some useful tips can ease users into the conversation.

Regardless of how often you have been married and whether it is the first, second, or third time, marriage comes with emotional and practical issues that should be planned for. For a couple about to get married, usually, the last thing on either partner's mind is what happens if this does not work out and how to mitigate that risk.

### WHAT DOES A PRENUPTIAL AGREEMENT DO?

A prenuptial agreement defines the property rights and division of assets if a marriage ends. In its most basic terms, a good prenuptial agreement establishes each party's rights if a marriage ends. Terms may also include how marital property is defined for the purposes of distribution, support terms, or entitlement to a waiver of or an exception to either. A prenuptial agreement can also specify a spouse's right or waiver of alimony while allowing for the protection of assets a party brings into the marriage that may increase in value because of the marriage. In a second marriage where the parties are older, there may be a waiver of support with the exception of a marriage breakup due to marital misconduct /or infidelity.

In the best of circumstances, marriage can be difficult. However, goodwill and optimism early on tend to make for easier communication, making it a better time to take on difficult issues and agree on how to resolve them with a prenup.

### HOW TO FRAME THE PRENUP CONVERSATION WITH YOUR PARTNER

Talking to your future spouse about a prenup can be a tricky proposition. How tricky depends on what season in life you both are in. Regardless of your season, if you're getting married or moving in that direction, the earlier in your relationship you start talking about a prenup, the better. Starting early allows you to approach the issue of a prenup deliberately well before the marriage and in stages. A deliberate approach allows for time to articulate your reasons for wanting a prenup and the mutual

benefit/protections to each of you. Not the least of these benefits is how a prenup allows for anticipation of changed circumstances, such as children, and the avoidance or significant mitigation of emotional and financial trauma to the parties and any future children if the relationship ends. In addition, discussing a prenup early allows both parties to seek competent legal counsel. Advice from an objective professional allows for direct, frank questions and equally direct, frank answers. Finally, doing this with someone other than your future spouse avoids the emotional pitfalls, stress, and relational angst caused by a partner asking for a prenup.

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Everyone has had and pursued adventurous and exciting experiences. Marriage can and should be the most rewarding and exciting experience we have. In seeking out and having these experiences, there is a balance between excitement and risk. Nobody goes into a marriage planning for it to end. In the unfortunate event it does, though, a prenup helps strike a balance and mitigate the risks for both parties. Marriage is supposed to be about love. In the context of what is anticipated as a permanent relationship, love is a verb much more so than a continual feeling or emotion. No one goes into marriage excited about the day-to-day mundane things it takes to maintain a relationship: paying property taxes, getting the registration for the car, buying groceries, paying rent/the mortgage, buying insurance, or paying unanticipated expenses for a broken appliance or vehicle. But neither are they offended by having to do these things. These things are part and parcel of a healthy and stable relationship before and after marriage. They are also an essential part. A prenup is a practical extension of what every couple must do before and during marriage to maintain a stable, loving relationship.

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