

New York Divorce and Family Law Blog

Five Reasons You Need a Pre-Nuptial Agreement: Pre-Nups Are Not Just for the Rich and Famous

Posted by Daniel Clement on February 17, 2011

When a couple weds, few contemplate that their marriage will end in divorce. The hope is that their marriage will be forever; the reality is, however, that some will end, often bitterly, in divorce. Much of the acrimony of divorce could have prevented if the parties simply had a pre-nuptial agreement.

So why do couples, who are aware of the risks, fail to even consider entering into a pre-nuptial agreement? Diana Mercer in [This is Not Your Parents' Prenup: Debunking Prenup Myths](#) offers several explanations, with my comments added:

- **Prenuptial agreements are only for wealthy people; my fiancé and I are just starting out or have nothing.**

Things change. As you become older and more accomplished in your career your income will increase. Your assets, particularly your home, your savings and your retirement accounts will become more valuable. You may inherit money or property

CLEMENTLAW

THE LAW OFFICES OF DANIEL E. CLEMENT

from your family. The pre-nuptial agreement can protect the accumulated wealth and provide for how it will be dealt with if a marriage ends in divorce or death.

- **Prenuptial agreements only protect the wealthier spouse and leave the other spouse with little or nothing.**

Pre nuptial agreements must be fair. If the agreement is found to be unconscionable, it will be set aside. Particularly where there is disparate wealth, the pre-nup can provide for maintenance for the non-moneyed spouse in the event of divorce.

- **Premarital Agreements must cover everything, soup to nuts.**

The agreement can be tailored to your specific desires. I have written agreements that were limited to how one asset how- a prospective inheritance -would be handled in the event of divorce. On the flip side, I have prepared agreements that micro-manage how funds will be budgeted and expenses paid throughout the marriage.

- **Premarital Agreements Aren't ROMANTIC**

The words “pre nuptial agreement” may be the most unromantic words I know. However, those words are generally uttered between two people who love each other and plan to invest their lives together so that there is incentive to work together and be reasonable in planning for a possible future without each other. Contrast the pain of saying the word “pre-nup” with the bitterness of a divorce, where greed and irrationality dominate- there is no question which is more painful.