



Prenuptial and Postnuptial Agreements

Although people enter into a marriage intending to make a life-long commitment to one another, the reality is that approximately 50 percent of marriages in the United States end in divorce — and some marriages end many decades after their wedding day. Given this possibility, it is vital for certain individuals to have a plan to protect their assets and their family in the event of a divorce by establishing prenuptial and postnuptial agreements. It helps to think of prenuptial or postnuptial agreements like insurance policies: just as an individual invests in property insurance to protect themselves in case of fire or natural disaster and life insurance to protect their families in case of premature death, a prenuptial agreement is a safeguard in case of a divorce.

The experienced family law attorneys at Williams Family Law, P.C., are available to help you to draft a prenuptial or postnuptial agreement to protect you, your assets and your family.

Our Value: Drafting Solid Prenuptial and Postnuptial Agreements in Bucks County

At Williams Family Law, our family law attorneys have significant experience drafting enforceable prenuptial and postnuptial agreements. Our firm has handled many highly-contested divorce cases, where much of the litigation could have been avoided had the parties utilized a prenuptial agreement. With this in mind, our primary goal is to provide our clients with peace of mind and the opportunity to protect their interests and evade potential legal and financial pitfalls in the event of divorce. Each prenuptial and postnuptial agreement prepared by our firm is tailored to meet your needs as an individual, as a couple, and as a family. We are committed to helping you establish the kind of financial honesty and long-range planning that will make the financial side of your marriage partnership successful.

The Importance of Prenuptial and Postnuptial Agreements

One of the most sensitive components of any relationship — and the cause of many heated discussions, especially within a marriage — relates to finances. The most controversial financial matters considered by couples prior to entering, or even during, a marriage often occur when:

- An individual has already achieved financial success;
- Either spouse is embarking on what they believe will turn into a successful career;
- Either spouse currently owns (or plans to own) a business;
- Either spouse plans to earn an advanced education/certification during their marriage;
- Either spouse has received, or expects to receive, significant assets in the future, including an inheritance;
- One spouse is entering the marriage with a significant amount of assets or debt; or
- Either spouse has children from a prior marriage or relationship.

A well-planned prenuptial agreement or postnuptial agreement can limit the issues which need to be addressed in a divorce, and, as a result, may remove much of the animosity from the divorce process.

Prenuptial Agreements

Prior to entering a marriage, it is essential for individuals to have a plan to protect their financial and personal interests in the event of a divorce. Prenuptial agreements help couples to avoid a significant amount of future stress by protecting many of the financial elements within the relationship, including businesses, investments, real estate, future earnings, appreciation of both marital and separate property, potential matters related to alimony/spousal support and a spouse's rights upon the death of the other party. Upon entering into a prenuptial agreement, both parties must understand and willingly accept the terms of the agreement before signing it. When creating a prenuptial agreement, it is important for a couple to ensure that all negotiated and executed terms of the agreement are constructed in a fair and legally binding manner.

Postnuptial Agreements

Occasionally, to avoid situations where divorce laws may dictate how a couple will need to divide their marital

assets, a married couple may choose to enter into a postnuptial agreement. A postnuptial agreement allows a disputing couple to focus their efforts on working through a rocky period in their marriage while providing them with the comfort of knowing that their rights and responsibilities will be protected in the event of divorce or death of either spouse. Similar to prenuptial agreements, postnuptial agreements address many of the issues that arise during a divorce, such as: asset and property division (including retirement accounts, trusts, pension plans, and any future gifts or inheritances), life insurance, alimony/spousal support, allocations of marital debt and tax responsibilities.

The primary difference between a prenuptial and postnuptial agreement is that a prenuptial agreement is signed prior to entering a marriage while a postnuptial agreement is signed after entering a marriage. A couple is strongly encouraged to draft a postnuptial agreement when the financial status of either spouse has significantly changed. As with other marital agreements, it is extremely important that each spouse provides full and fair disclosure about their debts and assets while negotiating the postnuptial agreement.

Contact Us

If you are seeking to establish the kind of long-range planning that will make the financial side of your marital partnership successful and protect your best interests in the event of a divorce, Williams Family Law is here to help you. To obtain help with drafting a prenuptial or postnuptial agreement with an experienced family law attorney, please contact our office.

News

Salzer Presents at Bucks County Bar Association Annual Bench Bar Conference

September 24, 2018

Shauna Quigley Joins Williams Family Law

August 8, 2018

Jeff Williams Discusses "Double Dipping" in Divorce At Pennsylvania Bar Association Summer Meeting

July 27, 2018

Williams Family Law Attorneys Named 2018 Super Lawyers

June 4, 2018 Williams Family Law Partner Co-Authors Book on Divorce

August 17, 2017 Jeffrey M. Williams Organizes AAML PA Spring Retreat

April 17, 2017 Williams Family Law Welcomes Attorney Melanie J. Wender

July 18, 2016 Divorce Attorney Jeffrey M. Williams Named Secretary American Academy of Matrimonial Lawyers

July 18, 2013 Bucks County Family Law Firm Williams Family Law Ranked as U.S. News & World Report Best Lawyers 2013 'Best Law Firm'

November 2012 Fool me once, shame on me; fool me twice... I don't think so.

May 2012

Blog

Child Support Guidelines Vary Widely State to State

September 26, 2018

How Financial Implications of Divorce Will Change in 2019

September 11, 2018

More Women Paying Support

July 25, 2018

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Frequently Asked Questions

- Are prenuptial agreements enforceable in Pennsylvania?
- Why would married couples enter postnuptial agreements?
- I helped to raise my stepchild and now my spouse and I are divorcing. Do I have any custodial rights to my non-biological child?
- I just filed for divorce. Can I move out with my kids immediately?
- My spouse will not consent to a divorce simply to avoid paying alimony. Can the court grant me a divorce without mutual consent?
- Is my prenuptial agreement still valid if I caught my spouse cheating?
- My ex-spouse and I share custody of my children. Can we both claim them as dependents on our income tax returns?