

Beyond the “I Do’s”—Why you should consider a Prenuptial Agreement



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Not every couple is in need of a prenuptial agreement. Many first marriages are couples who are young and come into the union on an equal footing and build their wealth together. In this scenario, Pennsylvania law provides for when a couple divorce and look to separate their property before the Court. My wife and I did not sign a prenuptial agreement as my marriage started with student debt and a lot of promise, but not much more!

However, people who get married later in life or get remarried often bring significant individual wealth to the marriage. Persons under these circumstances can benefit from having an agreement in place in case the relationship breaks down. Prenuptial agreements can address what otherwise would take months or even years to hammer out between divorce attorneys and the court. This includes addressing alimony payment, support, pensions, rights to the house, cars and personal property and who will pay for each other’s care.

One of the most common reasons I have prepared prenuptial agreements is to protect one spouse’s share in a family business. The agreement can even address who gets the dog. In today’s world, it is important to also spell out who is responsible for debt that is brought into the marriage or incurred by one spouse during the marriage. I have had too many clients who found out, much to their surprise, that their spouse was a gambler or incurring debt for addictions not known by the other spouse. It is also important to understand that while a prenuptial agreement can state who is responsible for medical debt, medical creditors (be it a medical practice, hospital or a nursing home) have the right to pursue a spouse for the medical debts no matter what a prenuptial agreement states.

If you decide to move forward with such an agreement, it can be straightforward but still should be done with the advice of local trusted counsel for both spouses. It is also important to have it pre-

pared and signed months before a wedding versus close in time. An agreement cooked up just days before a wedding is more easily overturned based on undue influence or lack of understanding.

While a simple internet search showed me numerous free and for-charge forms, agreements done on-line are easily overturned as an attorney challenging such an agreement would simply suggest that the agreement was signed under duress or with lack of knowledge and understanding of the agreement.

A prenuptial agreement can run anywhere from \$500 to a few thousand dollars. A prenuptial agreement has nothing to do with lack of love or trust in each other; instead, it is the smart thing to do and can alleviate much of cost and distress of a lengthy and difficult divorce. My advice is that once you have put an engagement ring on your loved one’s finger, consult an attorney and consider whether a prenuptial agreement makes sense for you.



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