



## *Family Law*

### **Premarital Bliss**

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A “premarital” (or “antenuptial”) agreement is a contract executed between prospective spouses in contemplation of marriage, fixing marital property rights and financial responsibilities upon consummation of the marriage.

The motivation in executing a premarital agreement is typically intended to foster or perpetuate conditions which will help preserve a forthcoming marriage. Premarital agreements are favored by the courts provided they are freely entered into by the parties with no deception, duress or undue influence. The parties intent in executing a premarital agreement is to avoid or alter the applicability of community property law to assets already owned by each party and to property and income to be acquired during the marriage. Also, a party may want to preserve his or her estate for his or her heirs, free of the other party’s inheritance claims.

Premarital agreements may validly provide that the earnings and accumulations of each party during marriage will remain that party’s separate property, free of any claims, community property or otherwise, of the other party. Agreements fixing or waiving child support are invalid. However, spousal support may be waived or fixed in an agreement so long as the agreement is “fair and equitable”. The parties may determine ownership rights and disposition of death benefits from a life insurance policy in an agreement along with their property rights. Each party must fully disclose all of their assets and debts in the agreement otherwise a court could find the premarital agreement unenforceable.

*Anita Gumm is an attorney in Westlake Village practicing family law, bankruptcy and criminal defense. The law office of Gumm & Green is located at 5743 Corsa Avenue, Suite 223, Westlake Village. Gumm & Green offer a free consultation. The telephone numbers are (818) 707-4233 or (805) 577-7657.*