



## PRENUPTIAL AGREEMENTS

A prenuptial agreement requires full disclosure of one's financial situation, and therefore leads to an important discussion of how the parties intend to handle their finances once married. There is sometimes a negative stigma associated with prenuptial agreements; however, if properly approached, a prenuptial agreement can actually help support and withstand a marriage, as many marriages fail due to lack of communication or a common understanding of financial management. In the event of a divorce, prenuptial agreements can also help protect your property, preserve your children's inheritance, and reassure your business partners.

Iowa law allows parties to a premarital agreement to contract to the following:

1. Rights and obligations of property;
2. Right to manage and control property (e.g. sell, buy, use, transfer, exchange, abandon, lease, consume, expend, assign, mortgage, encumber, dispose of, etc.);
3. Disposition of property upon separation, divorce, death, or occurrence or nonoccurrence of an event;
4. Estate planning;
5. Ownership rights in and disposition of death benefit from a life insurance policy;
6. Choice of law governing the construction of the agreement; and
7. Any other matter which is not a crime or a violation of public policy.

Note, an Iowa premarital agreement cannot include a contract provision regarding spousal support (alimony) or child support. South Dakota and Nebraska also recognize prenuptial agreements (also known as antenuptial agreements). Certain requirements must be satisfied for the prenuptial agreement to be enforceable. Therefore, it's important to seek experienced legal counsel before entering into a prenuptial agreement.