

The nitty gritty: What you need in your prenup

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Pre-nuptial agreements can be awkward to bring up, so last week, Charm offered graceful ways to broach the subject. Today, a few tips on what specific topics should be addressed in that prenup.



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You and your betrothed should boil down how you'll handle property ownership. "Women at this age were brought up to believe that you have to have everything in your joint name," says Cathy Chimera, a Delray Beach family law attorney. "Unfortunately, in Florida, if a woman owned a house before getting married but put the house in both their names after the wedding, it's viewed as if she intended it as a gift."

Do you have children from another marriage? You might want to put in special provisions to protect them if you die. "If you just write in your will that you want most of your assets to go to your children, your spouse could challenge that," says Janet Langjahr, a family law attorney in Boca Raton. "But a pre-nup can act as a waiver so the spouse can only take what he's agreed to take."

Remember your parents. "A woman in her 40s or older has to be concerned about what will happen if she receives a large inheritance from a parent," Chimera says. "Women are much more likely than men to put that money into a joint bank account, but they should look out for themselves by saying they'll put things like that in a separate account in their name."

Don't let yourself get

short-changed. Decide whether provisions will alter after a few years of marriage, says Langjahr. (Marla Maples missed out on Donald Trump's millions because their prenup had a four-year marriage clause.) And don't shy away from the dreaded "A" word. Weigh alimony scenarios if your marriage were to end.

"Some might think a prenup takes the romance out of a relationship," Langjahr says. "But with one, you can say, 'I'm not marrying this person for what they have. I'm marrying them because I love them.'"

Anything's fair game. Although divvying up wedding gifts might be a little excessive.

"It's not like you're going to become passionate about the Kitchen Aid upfront," says Langjahr, laughing. "But you'd be surprised by how people react after the fact. Sometimes people have extreme reactions."

Cara Nissman

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