

Legally Speaking

by Stephanie Bandoske



As a family law attorney, I work with people who are in emotional and sometimes financial crisis. Often a spouse has been emotionally injured and decided to leave a marriage, or is the person who found out their beloved husband or wife has decided to leave the marriage for any number of reasons. The financial toll can be devastating on both the spouses and the children of the marriage.

Over time, our legislature has developed a process by which spouses can help eliminate the financial upheaval that is felt in divorce by allowing persons contemplating marriage or married persons to contractually decide how their property will be divided should they decide to divorce. Known as pre-marital or post-marital partition agreements are available to Texas residents to give both parties security and certainty with their financial futures.

There are a few details you need to consider when executing a pre-marital agreement. First, both parties need to disclose their financial assets and debts or agree they are waiving the right to receive this information. The agreement should be drafted and reviewed long before the wedding ceremony, and both parties should have their own attorney review it with them so they understand the long-term consequences of what the agreement contains. Neither party should threaten or force the other party to sign the agreement, and if one person refuses to sign, it may be wise to postpone or cancel the wedding if an agreement cannot be reached.

Persons who are married may decide to partition their property for several reasons. It could be for future financial planning and security, in anticipation of divorce, or a dispute as to how the marital funds are to be used in the future. As with a pre-marital agreement, it is important that both parties know the assets and debts that are being partitioned between them, to include balances and tax consequences of how the assets are to be divided. Each person should also consult with a lawyer of their choice to discuss the partition arrangements and the pros and cons of the partition arrangement.

While it's impossible to plan for every future event, if you are contemplating marriage or are just looking for more future financial certainty, a pre-marital or post-marital partition agreement may be just what you are looking for.

EXPERIENCED. AGGRESSIVE. COMPASSIONATE
San Antonio Divorce Lawyers

SHAVANO PARK
RESIDENT

			
STEPHANIE BANDOSKE*	ASHLEY BUTLER	RACHEL REUTER*	PATRICIA JAY

 **(210) 299-4777**

 **WWW.BBRJLAW.COM**

BANDOSKE, BUTLER, REUTER & JAY, PLLC
500 LEXINGTON SAN ANTONIO, TX 78215

*Board Certified in Family Law by the Texas Board of Legal Specialization