



Getting Married? Re-Marrying?

Have you considered entering into an Agreement with your future spouse to protect assets if the marriage should fail?

Contemplating the end of the marriage, even before you get married, is not as silly as you may think.

If you're planning to marry, it is advisable to think about having a Will prepared. That sounds sensible, but so does contemplating how your assets are going to be distributed if the marriage ends.

Who should think about this?

Anyone who is planning to marry for the first time and is bringing assets into the relationship or people who are re-marrying and bringing in assets to the relationship. Your children may soon be thinking of marrying. If you're going to provide them with assets to start off their married life, you may wish to come to an agreement with them dealing with those assets if their marriage should break down. Anyone can think of entering into an Agreement – and everyone should.

Pre-Nuptial Agreements

Under the Family Law Act these agreements are called Financial Agreements, but are often referred to as the “Pre-Nuptial Agreements”. These are now recognised by the Family court as a way of organising the distribution of assets if the marriage should break down. You can make these Agreements prior to marriage, during a marriage, and after the marriages has broken down.

What's the benefit of entering into a Pre-Nuptial Agreement?

Any form of litigation, especially family law litigation, can be emotionally draining and expensive. A Pre-Nuptial Agreement can sort out how property is to be distributed from the start. Sure, you're going to have to think deep and hard about how assets are going to be distributed on the breakdown of the relationship but you may save yourself and your partner further distress down the line. And reaching an agreement before you marry can possibly save you thousands of dollars in legal costs.

Do you have to go to Court?

No. Each party must have independent legal advice and legal practitioners are required to sign a Statement of Independent Advice, which is either attached to the Agreement or exchanged between the parties or their legal representatives. We can hold onto the original Agreement for you in our safe custody facilities at no charge, and give you a copy. Or, if you wish, you can hold onto the original agreement yourself.



What needs to be done?

It's simple. Contact us to make an appointment and we'll go over what assets you're planning to bring into the relationship and how those assets will be distributed on the breakdown of the marriage. We'll also advise you in relation to property distribution in the event that there are children of the relationship. We'll then draft up a Financial Agreement.

How much will it cost me?

We can advise you of this at the time of your appointment but it will be much less than going to Court at the end of the marriage relationship if there is no Agreement.

At Bateman Battersby we have a number of experienced Lawyers who specialise in Family Law matters. If you wish to discuss any of the matters addressed above, please feel free to contact Oliver Hagen or Ken Gray on (02) 4731 5899 or email us at familylaw@batemanbattersby.com.au if you require further information or assistance.