

A Few Guiding Concepts for Relationship-Forward Prenup Agreements
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People marry for many reasons and within many cultural or business configurations. Some couples marry with clear awareness of financial and business decisions behind the union. Practical parenting or intimate needs (sex) could also play a key role in entering marriage as a form of agreement. Romance may or may not enter the mix – couples, like people, work out their lives in many ways.

For some couples, marriages are arranged because of cultural and religious backgrounds. Ancient established traditions play key roles in how people in much of the world join in marriage, often arranging the relationships between large family groups. Financial prenuptial agreements are central in these marriage agreements such as in Islamic marital traditions. Legal help for couples in much of the world is also connected to religious law or particular cultural law practices.

Couples in the U.S. from “Western” backgrounds or second generation immigrant communities, view marriages primarily as an opportunity for people who love each other to be together, often for a lifetime. These marriages, prioritizing love, are more frequently utilizing prenuptial agreements as strategies to protect financial and familial assets in the case of disillusion.

According to recent polls (such as Harris, 2022), acceptance of prenuptial agreements among couples is becoming more commonplace, with approximately half of the US population approving of the use of prenups. This acceptance is higher among younger people, and if it continues, prenup agreements will be much more normative in the future. However, numerous publications, studies, books, and writings by financial and legal professionals warn that prenups can be challenging. Among the most common critiques of prenups is that they can be contentious, romance-killing, marital inequality-highlighting, and impersonal, dousing what is supposed to be a tender moment of trust. Meanwhile, many HNW/UHNW families and couples need to utilize prenup agreements for asset protection, childcare responsibilities, and wealth planning. The following two short sections will explore our biggest concerns, and some of our suggestions for the negotiation of healthy prenuptial agreements.

A few circumstances that make prenups particularly problematic have been highlighted by professionals and scholars who study relationships:

- The use of contentious and finance-only focused legal or financial experts to set up these agreements
- Family of origin (aka, mom and dad) from one side pressuring the couple to get prenup and get one they insist on (“no discussion”)
- Quick, pressured, and non-discussed prenups (which are often overturned anyways for these very reason)
- Too complicated prenups, which leave the signatories unaware of their implication

- Divorce-centered prenups
- Gender-assuming prenups (more and more women are primary wealth holders/inheritors)
- Culture-blind prenups (marriage values are different in many cultures)

In an effort to make prenups more relationally frictionless, we have a few key suggestions making up what we call Relationship Forward Prenups:

- Begin discussing prenuptial agreements long before the documents are drafted, so that it is not a surprise, and the incoming spouse is aware that a prenup will be utilized
- Have conversations about prenups when emotions are not heightened
- Have conversations about values, stewardship, and purpose so that wealth is framed as a responsibility to meaningfully impact the family, future generations, relevant businesses, and the world.
- Give time to discuss prenups, including their pros and cons, alone and with sensitive trained professionals. Naming cons of prenups can help couples explore varied negative and confusing feelings that arise for many couples that are discussing sensitive premarital topics.
- Work with professionals who help you explore options, be open to compromises, help you understand each other, and create a prenup that's your own. Like wedding vows, make the prenup something that's yours and works for you.
- Consider prenup discussions as either stand-alone or as part of overall premarital counseling. Premarital counseling is always a great idea, no matter what aspect of relationship the couple is discussing: prenups are about values, goals, and should be (most of all) built on understanding of one other.
- If any member of the couple has children from prior marriages, a prenup is essential in order to clarify care, boundaries, and plans for the blended family.
- Both members of the couple should have separate and prenup-experienced legal and financial representatives, who can also hold questions, worries, concerns and ideas about the agreement (some parts of the agreement can come across as aggressive or unkind when in fact they are not, which a professional can help understand)
- Use psychological consultants or couples' wealth advisors to discuss feelings, hopes, worries, and concerns that come up as a result of prenup discussions. Prenup, similar to sex, money, decision making, and division of labor, are often connected to other histories and apprehensions. Good marriages, like all good things in life, may require us to work on it – it's worth it to try to get across to each other (and to understand for yourself) what kinds of things arise.
- Try to keep your parents' away from these discussions – the prenup discussions should be just between the couple, if possible. Interfering in-laws tend to compromise future relationships with the family-at-large.
- If legacy families are utilizing prenups to protect the family wealth, the role of the prenup in the larger generational wealth should be discussed, so that the “married in” partner understands the context of the contract and its frequency of use.

- Consider building in flexibility or possibilities for changing the prenup if you so choose (for specified reasons). Sunset clauses are noted as possibilities, although, like with all options, stories of bad outcomes with these also circulate.
- Consider that harsh foot-down on prenups, one way or another, might be a relationship red flag: “I won’t marry you if you don’t sign the prenup” is just as inflexible as “I won’t ever marry you if you make me sign a prenup.” Any versions that manipulate partners toward essentially these ends should also be treated as warning signs.
- Lastly, we don’t believe that prenups are what makes or breaks relationships but how the couple communicates and what they do with the process can either grow the relationship or facilitate its demise. Just like other life documents (wills, directives) don’t “cause” life things to happen, we do not think that signing a prenup is directly linked to divorces. Certainly, most current couples in the U.S. have not signed a prenup but divorce happens for 50% for all of them. Relationship forward prenups consider how all marital plans and agreements could become points for couples to become stronger, face important life decisions, negotiate, compromise, understanding one another, and build common values and vision. At the end, that is what any healthy couple should be doing in regard to all aspects of their lives together, and a well done, relational prenup might help couples build these skills.