

Ginter Family Law
2701 Del Paso Road
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Sacramento, CA 95835
916-419-1161

Assisting With:

- Mediation
- Collaborative Practice
- Divorce
- Child Custody
- Child Support
- Spousal Support
- Paternity
- Property Division
- Pre-Marital/Post-marital Agreements
- Legal Separation
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Ginter Family Law: Premarital Agreements

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Spring 2014

Enforceability of Premarital Agreements

Premarital agreements, also called “prenuptial agreements,” are agreements between prospective spouses “made in contemplation of marriage.” Such agreements become effective upon marriage. A common reason people enter into premarital agreements is to opt-out from various aspects of California’s community property law. While there are many important facets of premarital agreements, a noteworthy highlight is the question of whether a premarital agreement will be *enforceable*. After all, if the agreements are not enforceable, then all the work put into the agreements will have been a waste of time and the intent of the parties may never be carried through. So, let’s look at some of the tests of enforceability of premarital agreements.

- 1) The signing of the agreement must be voluntary.
- 2) The agreement was not “unconscionable” when signed.
- 3) Before the signing of the agreement, there was a fair, reasonable, and full disclosure of the property or financial obligations of the other party, unless voluntarily and expressly waived in writing and the party did not have, nor could he/she reasonably have had, adequate knowledge of the property or financial obligations of the other party.

Done correctly, a premarital agreement can be a powerful tool to help people proceed through their marriage in a manner that feels comfortable to them, which could actually strengthen the bonds of marriage and to promote marriage. It is not uncommon for prospective marital partners to not know whether a premarital agreement is right for them. Therefore, an advisable solution is to consult with an attorney well before the marriage to learn about California law so an informed decision can be made regarding a premarital agreement.



“When You Are Ready, We Are Here”

Coming Up...

On the Relationship Rules Show, hear some thoughts regarding rights of parents and children to request support from the other, inspired by the New Jersey Rachel Canning case. Download episodes from iTunes and Stitcher and visit the official website: www.RelationshipRulesShow.com. Have a question? Call (916) 304-3692.

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Visit us on the web!

www.GinterFamilyLaw.com



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We now offer **WEB MEETINGS!** Meet and share documents with an attorney or mediator on a computer or mobile device...iPhone, iPad, etc. No more wasted time and gas money on the road!

Ginter Family Law is a family law firm located in Natomas/Sacramento, California. In addition to litigation services, GFL proudly offers non-adversarial methods to help parties amicably resolve their private and sensitive family law issues **out of court**. Call **916-419-1161** to schedule a consultation. We also encourage you to visit our comprehensive website to learn more at www.GinterFamilyLaw.com.

Ginter Family Law Service Options

If you are thinking about hiring an attorney to help you with your family law issues, it is important that you understand the services that the attorney offers, so be sure to ask your potential attorney. Here are services that may be available with a family law attorney:

Mediation: The attorney sits as a neutral, assisting in the negotiations between the two parties. The parties have a series of meetings with the mediator until all issues are resolved, out of court. The mediator's office drafts legal documents and files and picks them up from the court so you don't have to. No court...just solutions.

Collaborative Law Process: With Collaborative



Law Process, both parties have their "own" attorneys, where the parties have a series of meeting until all issues are resolved, out of court. As with mediation, no court...just solutions.

Partial Service: This is where the attorney and the client somehow divide up the legal responsibility for a case. A Partial Service ar-

rangement can be done in a non-litigation or a litigation context.

Full Service: Full Service is where the attorney shoulders all of the legal responsibilities for the case, including court appearances, trial, legal research, negotiations, providing legal advice and drafting documents.

Consult-Only: Commonly, no retainer or fee agreement is required. When you are interested in speaking with the attorney and/or having the attorney review documents, you simply call and schedule an appointment. Payment is due at the time of the consultation.

This newsletter is informational only and does not contain legal advice of any kind. Rather, the aforementioned is opinion only and should not be relied upon. Any information contained herein should be reviewed with a competent attorney to ensure its accuracy and/or validity. To unsubscribe from receiving these newsletters, please email us or call us at (916) 419-1161.