

## Postnuptial agreements becoming more common, signed after couples get married

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LOS ANGELES (KABC) -- We've all heard of prenuptial agreements, but the latest "contract" to gain steam among spouses isn't signed until after the honeymoon is over.

Brian Morache and his wife, Mariam, were each divorcees who recently tied the knot.

"Both of us have been married twice. Her first one ended OK, the second one was a nightmare," said Brian.

This time, Mariam wanted to protect her assets, so she and Brian signed a postnuptial agreement.

"I think there's a bit more peace of mind, a bit more stability in a sense," said Brian.

A postnup is a legally binding document that is similar to a prenuptial agreement, but it is signed after a couple says their vows.

With divorce rates and litigation costs on the rise, the American Academy of Matrimonial Lawyers said a growing number of couples are looking into these so-called "marital contracts."

"Any two people who feel that they're in conflict and feel that a marriage may be dissolved should try and define what they would do in the event of a divorce in advance. It does bring clarity to the situation," said Ken Altshuler with the American Academy of Matrimonial Lawyers.

Some happy couples sign postnups for something else: a sense of security. The terms can deal with practically anything, from checking and savings accounts, to debt and child support, to personal property.

"We have many instances where people talk about who is going to have custody of the pet. I've had different pieces of china and silverware that were divided in advance," said Altshuler.

For Brian and his wife, working out who gets what was simple.

"What we come into the marriage with is what we would each leave with," said Brian.

Brian and Mariam were lucky. Allison Pescosolido, co-founder of Divorce Detox, said postnups can often be tricky to approach.

"Both people are going to have to give up what their ideal is. You also want to walk away if it starts getting heated, and set a specific time to get back together," said Pescosolido.

But no matter how you choose to go about it, Altshuler said the most important thing is a full disclosure -- finances, assets, and debts. Otherwise, the postnup could be thrown out in court.

Brian and Mariam look forward to a lifetime of love. They said that postnup is kind of an insurance policy.

"It's almost like putting on a life jacket when you're going to go boating. You don't anticipate using it, but you want it there," said Brian.

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