



# Family Law

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YOUR EX DOES!

## A

Prenups, or prenuptial agreements, are domestic contracts, which can be marriage or cohabitation agreements. Generally the person who has significant assets to protect – a family business, a home, many investments – or has a much greater income than the other party- will be looking for a prenup to clarify who keeps what and whether spousal support will be paid. Prenups are also very common – and a good idea – when seniors re-partner, as both parties tend to have significant assets and their children are eyeing the new partner suspiciously, as possibly getting in the way of their inheritance.

parties, and the contract was not signed under duress.

In addition, it is essential to have complete and open disclosure about finances including all assets and debts, and both parties having the benefit of reviewing the contract with a lawyer before signing – called independent legal advice.

You cannot contract out of certain obligations, such as the obligation to pay child support, on the future determination of custody or access. You also cannot contract to remain childless, to dictate the sexual relationship, and similar matters.

In your case, you would be wise to consult a family lawyer as soon as possible, as being surprised by a prenuptial agreement one week before marriage would to a normal person, appear to be undue duress or coercion. The best time to complete a marriage contract is well before the proposed marriage date, not on the virtual eve of the wedding.

Your friends at Shank Law.



Roxanne C. Shank  
LAWYER

## Q

Help! It is a week before my marriage, and now he wants me to sign a prenup agreement. I read it, the agreement doesn't seem fair, but I do not want to cancel the wedding either!

The agreement sets out the rights and responsibilities of each party while they are together and after separation. Prenups are considered to be a contract under the law, and these contracts need to follow the rules and laws in Ontario in order to be legally binding. The courts will typically honour the contract if it has been drawn up properly, if the terms are clear and fair to both



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