



“Mentioning “mindfulness” in connection to sports coaching used to be greeted with smirks.”

Michael Bader, D.M.H.

Contemplating Divorce

Whether you should stay or go
by Susan Pease Gadoua



Susan Pease Gadoua, L.C.S.W., is the author of *Contemplating Divorce* and *Stronger Day by Day*. [more...](#)

The Bad Business of Marriage

Mergers and prenups in a changing world

Published on May 20, 2013 by Susan Pease Gadoua, L.C.S.W. in *Contemplating Divorce*

Would you go into a corporate partnership with someone who told you that, in order to “seal the deal,” you had to sign a partnership agreement that protected mainly their interests? Would you squelch the small voice within that wanted to question their actions and their motives? Would you feel strong-armed? Do you really think this would be a good person to go into business with?

Most onlookers would say it's obvious that this is not the way to build trust or start a healthy relationship. Friends and advisors might tell you that being pushed into signing away your rights should send up warning flags all over the place and they'd counsel you not to give your signature to anything or anyone under those circumstances.

Something strange happens to people when it comes to putting pen to paper on a prenuptial agreement. There seems to be a thick layer of denial present and my guess is because love is involved. Most people see love and business like oil and water. But marriage is a legal contract. In fact, *marriage is the greatest legal partnership most people will enter into in their lives* — and a family is nothing short of a corporation.

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As a soon-to-be-wed couple, you are not only joining your hearts, you are also combining your home, family, and social and financial structures. In essence, there isn't one area of your life that marriage doesn't impact. Despite the fact that we use terms such as “marriage contract,” and “divorce court,” people still don't seem to understand that marriage is a business deal.

Prenups can be positive in that they get couples talking about what they want from the marriage: The betrothed need to make sure they want the same things (i.e. children or no children), and they need to talk about family, finances and fallout if the marriage doesn't last.

The good news is that there is less stigma for those opting to have a prenup agreement. More and more couples are choosing to have these difficult, if not unromantic, pre-marital conversations.

The bad news is that there are still hundreds of prenup signers who say they were coerced into agreeing to the terms. Perhaps the most recent well-known case is that of Elizabeth Cioffi-Petrakis.

She was one of the lucky ones who was able to prove that her husband, Peter Petrakis, lied to her in order to get her to sign the papers (which, by the way, he presented to her only a few months before the wedding day). The prenup was thrown out because Peter promised to tear it up once the children were born. It was this that got Elizabeth to sign the paperwork but Peter never got around to shredding the documents.

For most people, like the woman, Rosemary, I spoke with recently, such promises to destroy the prenup are never made, never mind broken. With few exceptions, not much can be done to undo the agreement once it's signed. According to the attorneys Rosemary spoke with, the contract she

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signed is legal and airtight. She will come away from the marriage with nothing, while her wealthy soon-to-be-ex will keep all of his riches — including those he acquired during the marriage.

Although public policy mandates that couples cannot deny paying child support in a prenup, you can elect to not pay spousal support. Denying Rosemary spousal support will make it very difficult for her to maintain a healthy household for their children. It's a rough scenario indeed.

What Happens if You Don't Sign a Prenup?

Not signing a prenup doesn't mean you don't have a prenuptial agreement in place. As Erik W. Newton, a San Francisco-based Family Law Attorney wrote in a March 2013 *New York Times* Room for Debate piece, "Every married couple has a prenup, whether they want one or not. The laws covering marriage and divorce in every state are nothing more and nothing less than premarital agreements. So the question is not whether you should have a prenup, but whether you want your state's default version of one."

The most ideal prenup scenario would be to have couples create their own agreement together at least six months prior to the wedding day. That way, they are putting a protection in place for themselves in the event that the marriage doesn't work, they are both determining the conditions of the union and they are giving themselves plenty of time to consult their respective attorneys, financial supports and anyone else who may need to be consulted.

Here are some tips for anyone pondering the partnership of marriage:

Do get a prenup;

Don't let anyone pressure you into signing a prenup (or any document, for that matter);

Do spend the money to have your own attorney look over the document;

Do ask as many questions as you need to until you feel you completely understand the terms;

Don't sign the prenup until you are ready to sign it;

Don't ignore your intuition. If something inside of you is telling you something isn't right, it isn't. If you have a nagging feeling that you are not with the right person, you're not! Our instincts never lie to us, but our head can rationalize just about anything.

I know someone who left his fiancé two days before the wedding because he felt the terms of her prenup were unreasonable and she refused to change them.

While some would call this cruel, he did her a tremendous favor by listening to his gut and avoiding a much bigger pile of heartache later on down the road.

If you can't figure out which is your head voice and which is your heart (or gut) voice, journal. It's a powerful way to get clarity at a time when it's crucial to be clear. If that doesn't shed light on the right answer, seek professional advice. Getting married is a big decision and signing a prenup drives home the fact that it is a legal contract — not something to be entered into lightly, or just because you love your mate.

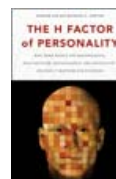
I wish you not only wedded bliss but good business savvy too. You can — and should — have both.

Susan Pease Gadoua and Vicki Larson are working on a book entitled, *The New I Do*, and topics such as prenups will be covered. Please Like Us on Facebook.

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