

PIER LAW

NEW BRIGHTON | KAIAPOI | NORTHWOOD



YOUR GUIDE TO PRENUPS

www.pierlaw.co.nz

CONTENTS



04

Confused about Prenups?

05

What is a Contracting Out Agreement (Prenup)?

06

Do I Need a Contracting Out Agreement?

07

When should I get a Contracting Out Agreement?

08

How do I Talk to My Partner About a Prenup?

09

How do I Prepare for a Contracting Out Agreement/Prenup?

10

About Pier Law

12

Contact

DISCLAIMER

This article is general in nature and is not intended as a substitute for specific professional advice on any matter and should not be relied upon for that purpose.



CONFUSED ABOUT PRENUPS?

"What is a prenup?"

"Is that only something that exists in America?"

"But I'm not married to my partner, do I need one?"

If these questions sound familiar, then you are reading the right resource.

We're going to cover the ins and outs of Contracting Out Agreements (the official name of a prenup), to help you decide if it's something you need to start actioning.

What is a contracting out agreement?

Also known as a "prenuptial agreement", a contracting out agreement is a legal contract that couples can enter into to determine how their property and assets will be divided if their relationship ends, or if one partner passes away.

It allows individuals to customize the division of their assets according to their preferences, rather than relying solely on the default equal sharing provisions of the Property (Relationships) Act 1976.



Do you need to be married to have a prenup?

Contrary to popular belief, a prenup is not just something that people get before getting married.

In fact, contracting out agreements are an important tool for protecting your assets in a relationship.

Once you have been in a relationship for 3 years (or less in certain circumstances), your partner could be entitled to 50% of your assets.

Do I need to get a contracting out agreement/prenup?

As a rule of thumb: **if you have assets that you would like to retain 100% ownership over in the event of a separation or death, a contracting out agreement is essential.** Assets could include things such as property, a business, vehicles, or investment portfolios.

Not everyone chooses to get a prenup, and you may not look to engage a lawyer for one unless you have assets that you wish to protect.

What happens if I don't get a contracting out agreement/prenups?

If you do not sign a Contracting Out Agreement your partner may be entitled to half of your assets.

When should I get a contracting out agreement/prenup?

You can get a Contracting Out Agreement at any point during your relationship, however, ideally this is completed before the Property (Relationships) Act starts to apply.

Generally, this is when a couple has lived together in a de facto relationship, or they are married or in a civil union (or any combination of these) for 3 years or more.

However, there are some circumstances where the Property (Relationships) Act can apply sooner than 3 years, for instance when children are involved.



HOW ON EARTH DO I TALK TO MY PARTNER ABOUT A PRENUP?

We understand that this may be a difficult subject to broach with a partner as there are many emotions involved.

The most important thing to remember is that a Contracting Out agreement/prenup is not a vote-of-no-confidence in your relationship.

Instead, it's an acknowledgement of what you have each built independently up until now and a desire to protect that.

If you think about it, requesting a prenup is a sign that you both see the relationship as serious for the long run.

Our experienced family lawyers are here to help with any advice on how to approach this tricky subject if you are in need of further support.



How do I prepare for a contracting out agreement/prenup?

In the first meeting with your lawyer, you should bring a comprehensive list of your assets and liabilities and what you are wanting to protect. It is important in the meeting that you fully disclose all of your assets and liabilities.

How does a lawyer help with contracting out agreements/prenups?

We will help you to identify your assets and draw up a contracting out agreement.

These agreements can outline how assets, debts, and other property will be distributed if you separate or if either of you dies. This can provide clarity, and potentially avoiding disputes in the event of separation.

Can I just write up my own agreement? Why do I need a lawyer?

Whilst you could write your own, a contracting out agreement will not be valid unless both parties have signed it, received independent legal advice, and signed by both parties solicitors. To avoid running the risk of your prenu being illegitimate its best to get your lawyer onboard right from the beginning!

Get in touch with our team to learn more about the contracting out agreement process.





ABOUT US

Pier Law is a family run firm with branches in three convenient locations in Christchurch - Northwood, Kaiapoi, and New Brighton. We specialise in many different areas of law including residential property, elder law, family law, estates, trusts, and commercial law.

Whilst we have been practicing family law since the inception of the firm, our family law team has grown following our merge with Strowan Law in 2021, and we can provide legal advice in a wide range of areas including separation and relationship property, contracting out agreements, child custody, domestic violence, and guardianship. Our family law team has over 50 years of experience and are experienced at handling all family matters.

When you contact Pier Law, our team will ask you some questions in order to place you with the best lawyer for your case. Once the lawyer makes contact with you, they will ask you further questions to get a feel for your circumstances and how best to proceed. However your case goes, your lawyer will be there for you every step of the way. Depending on the case, you may deal with one or two lawyers, rest assured you will always be well looked after.



WHAT ELSE CAN WE HELP WITH?

Family law deals in all kinds of family related matters from divorce and relationship property to child custody and adoptions.

Our family lawyers will work closely with their clients to advocate for the best results within the legislation.

At Pier Law, our family lawyers can advise on the following:

- Dissolution of marriage
- Separation and relationship property agreements
- Contracting out agreements
- Care and contact arrangements for children
- Guardianship disputes
- Domestic violence
- Paternity orders
- Orders preventing removal of child
- Relocation
- Applications under the Protection of Personal Property Rights Act (PPPR)



CONTACT



03 366 5540



info@pierlaw.co.nz



www.pierlaw.co.nz