PRACTICE AREA

Prenuptial & Domestic Partnership Agreements



ATTORNEYS

Brent W. Barringer

Richard W. Kraft

OVERVIEW

A prenuptial agreement (also called a premarital agreement or antenuptial agreement) establishes, before they are married, the spouses' financial and sometimes other obligations to each other in the event of divorce or the death of one of them.

Having those matters settled ahead of time usually greatly reduces the acrimony between divorcing spouses or between the surviving spouse and the other spouse's family.

When one or both spouses bring to the marriage substantial personal or family wealth, a business, or other unique assets, a prenuptial agreement can help ensure that most or all of that wealth or those specific assets will return to the original owner instead of being split more evenly between the spouses. The prenuptial agreement is a contract to which the soon-to-be spouses need to agree without coercion, and which supersedes the requirements of divorce law for dividing assets and (depending on the specific circumstances) for one spouse to make ongoing support payments to the other.

When you work with Hackett Feinberg, we advise you on issues you may not have considered, explain the impact of provisions that may not be obvious, alert you to potential unintended consequences in specific parts of the agreement, and help ensure that your agreement addresses all necessary issues (except anything you intentionally choose not to include). We provide legal advice within the context of your overall relationship. We advocate for your interests throughout negotiations with your fiancé's attorney and seek to work cooperatively so that establishing the prenuptial agreement strengthens and does not diminish your relationship with the person you expect to live with the rest of your life.

Domestic partnership or cohabitation agreements have the same overall function

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and address the same sorts of financial, personal, and emotional issues between the partners – without the backdrop of marriage and divorce law dictating outcomes not established in the agreement. While that allows for more leeway, it also can require the agreement to cover more issues explicitly, since there is no law that grants the partners rights merely as a consequence of their relationship.

Let's Get to Work!

To learn more about how we can help, please contact Brent Barringer or Richard Kraft at 617.422.0200.

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