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The Smart Couple's Legal Starter Pack

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The 15-Minute Must-Have Chat
Before Marriage or Moving In

Let's Be Real—Even Long-Term Couples Avoid "The Talk"

You could be living together or dating for years and still not have had an honest conversation about money. But here's the truth: finances are one of the leading causes of breakups. The best thing you and your partner can do is sit down and talk openly about what you have, what you owe, your goals, your dreams, and how each of you views money.

Remember, you both come from different families and backgrounds. You may be surprised by how differently people see the world financially. One partner might have wealth but be frugal or fiercely proud about their finances. Another might have modest means but be generous heart.

The bottom line? You can't make assumptions—but you can have the conversation!

Take 15 Minutes Together. Answer Honestly.

1. What assets or debts are we each bringing into the relationship?
2. Are we combining finances? If so, how? We will contribute all our income to a joint account or keep things separate or a mix of both?
3. If one of us earns significantly more, how will we handle shared expenses?
4. Do we plan to buy property together? Whose name will be on the title?
5. If we break up, how should we divide joint purchases or bank accounts?
6. Do either of us have family obligations (parents, kids, siblings) that we're financially supporting?
7. Do we have a plan if one of us becomes seriously ill or disabled?
8. Are our wills and beneficiaries up to date?
9. Do we need a prenup, postnup, or cohabitation agreement?
10. Are we on the same page about long-term planning, like marriage, children, and care for loved ones? How about vacations, long-term investments, and retirement plans?

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Estate Planning 101 for Couples
Estate Planning isn't just for the Rich. It's for the Responsible.

Wills

- Determines who gets what (not just what state law provides)
- Appoint guardian if you have kids
- Choose your executor (not an administrator chosen by the court)

Trusts (optional, but powerful)

- Can avoid probate
- Control how and when your assets are distributed
- Protect a partner or kids from prior relationships

Powers of Attorney

- Give someone authority to make financial or legal decisions if you can't

Healthcare Proxies

- Appoint someone to make medical decisions for you
- Include a living will or advanced directive

Beneficiary Designations

- Review and update your life insurance, 401(k), IRA, bank and financial accounts etc.
- These override your will—make sure they match your desires

Pro Tip:
If you're living together but not married, your partner won't automatically inherit anything or be able to make decisions on your behalf. Estate planning ensures they're protected.

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Cohabitation Checklist
Living Together Without Getting Married? Protect Yourselves.

Here's a quick legal prep checklist for unmarried couples sharing a home, finances, or major life moves:

Discuss Ownership
Where items are on the lease or mortgage? (Realize the one whose name is on the document is the one who is legally liable)
Who owns what furniture, tools, pets, etc.?

Clarify Contributions
Are you splitting rent or mortgage?
Who pays for utilities, groceries, or repairs?

Joint Purchases
Are you buying a car together? A couch? A dog?
Who owns what if you break up?

Health & Insurance
Do you each have powers of attorney or health care proxies?
Can you make medical decisions for each other?

Bank Planning
Will you withdraw from each other?
Are you listed as beneficiaries on retirement accounts, bank accounts and financial institutions?

Exit Plan
What happens if one of you wants to move out?
Who owns and how are shared assets divided?

Put it in Writing
While oral agreements are great and certainly a first step, they are not legally binding in New Jersey. If you want your agreement to be held, put it in writing and have it properly drafted, executed, and witnessed. You'll be happy you did.

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Prenup vs. No Prenup – Cheat Sheet
Thinking About a Prenup? Here's What You Should Know

Topic	With a Prenup	Without a Prenup
Financial Transparency	Required upfront – protects both parties	Often delayed until divorce proceedings
Property Division	You choose how assets and debts are split	Default is state law (equitable distribution in New Jersey)
Spousal Support	Can be addressed or waived in advance or left for determination later	Determined by a judge at the time of divorce or by rule of determination later
Debt	You can limit liability for your partner's debt	You may be responsible for joint or even some individual debts
Protection Inheritance	Can be protected and clarified	Controlled by state law and may be challenged
Rights Business Interests	Can protect a business or future ownership	Subject to rules for interests in business relations
Legal Costs	Typically lowers future costs in the event of divorce	Higher litigation costs, emotionally and financially draining

A prenup isn't planned for divorce—it's planned to protect the life you're building. It's not right for you, that's OK. But don't assume "no prenup" means no plan—it just means state law or a judge may decide.

*Full disclosure of assets is required in New Jersey, which means you'll know exactly what each party's assets and liabilities are before you get married, avoiding surprises during your marriage!

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By Shari A. Rivkind & Morgan J. Weil, Esqs.

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Property Division	You choose how assets and debts are split	Default to state law (“equitable distribution” in New Jersey)
Spousal Support	Can be addressed or waived in advance or left for determination later	Determined by a judge at the time of divorce or by way of settlement
Debt Protection	You can limit liability for your partner’s debt	You may be responsible for joint or even some individual debts
Inheritance Rights	Can be protected and clarified	Governed by state law and may be challenged
Business Interests	Can protect a business or future ownership	Business may be subject to division or valuation
Legal Costs	Typically lowers future costs in the event of divorce	Divorce litigation can be emotionally and financially draining

A prenup isn’t planning for divorce—it’s planning to protect the life you’re building. If it’s not right for you, that’s OK. But don’t assume “no prenup” means no plan—it just means state law or a judge may decide.

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Clarify Contributions

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Joint Purchases

- Are you buying a car together? A couch? A dog?
- Who owns what if you break up?

Health & Emergencies

- Do you each have powers of attorney or health care proxies?
- **Can you make medical decisions for each other?**

Estate Planning

- Will you inherit from each other?
- Are you listed as beneficiaries on retirement accounts, bank accounts and financial institutions?

Exit Plan

- What happens if one of you wants to move out?
- Who stays, and how are shared assets divided?

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