



Special Segment: Vowing to Divide

 By Cheryl Burton

February 27, 2006 - "I do" isn't the only promise couples who marry are making. More and more women are asking for prenuptial agreements.

It's the season for brides to be to complete their final checklist before a summer wedding. Along with dress fittings and trips to see the florist, more and more women are adding a visit to a divorce, family planning or estate attorney. It's a growing trend in vowing to divide.

It's the first marriage for Joetilda Hamilton, the second for her fiance, Donald Veale. Both are looking forward to joining their lives, but first came a talk about merging their money.

"A license says to me that there's a legality that is between Donald and I," said Joetilda.

Joetilda retired recently after a 25-year career with the Illinois Department of Corrections. Veale is in his 28th year with the airline industry. She proposed the couple sign a prenuptial agreement.

"I feel like people should be happy and they should be comfortable in their relationships," Donald said. "And I want Jojo to be happy."

"If this relationship should not work, I don't have a right to take anything that Donald has worked for, nor should he have a right to take anything that I have worked for," Joetilda said.

Family law attorney Beverly Pekala says as more women are marrying later, many share Hamilton's point of view. Experts who deal in divorce often recommend premarital agreements so couples agree on tough issues from the beginning rather than fighting them out in court at the end.

"Your little bungalow means more to you than one or two or five million dollars means to Donald Trump, because he's got a lot more millions in the bank," said Pekala. "If your husband thinks that after the two of you are married he should own 50 percent of the house that you've worked 20 years for, you have to ask yourself whether you think that's a good idea also."

Financial advisors warn that when a couple splits, 50 percent isn't always equal.

Joel Weiner is a certified financial divorce practitioner. He helps clients figure the best deal in a divorce -- and says women typically get short-changed.

"Typically, the husband wants to keep the pension plan. The wife wants to keep the house. Are they equal if they have equal value? Absolutely not. The reason that's so is they have different tax implications," Weiner said.

Couples who sign prenuptial agreements usually are protecting things they already have, a house, investments, savings accounts or money set aside for their children. But even without an agreement, the experts say there are steps you can take to protect your belongings after you say "I do."

First, don't mix your money. Have a joint account for shared expenses, but keep your primary accounts separate. Second, don't add your spouse's name to the title of your house or other property that you already own. Finally, pay real estate taxes and other maintenance expenses with cash from your account.

For Joetilda and Donald, dealing with family and friends who judge signing an agreement "unromantic" is also an issue. But they are firm in their decision.

"Jojo and I have discussed it and we don't have an issue with it," said Donald.

"It's not just about money," Joetilda said. "It's about feeling comfortable and you should never be worried that it'll be taken from you, by anybody."

For those still on the fence, the experts say, think of a prenuptial agreement as an insurance policy. You hope never have a car accident. You hope your home doesn't catch fire. But it helps to know you're protected, just in case.