

Miss Independence Talking Prenuptial Agreements Postnuptial Agreements and Planning

Candace Dellacona: This is the Sandwich Generation Survival Guide, caring for your children, your parents, and yourself. With your hosts, Candace Dellacona, and Jody Argentino. Welcome.

Jody Argentino: Great. Great to see you this afternoon.

Candace Dellacona: Happy Independence Month, Jody. We're celebrating all things independent for the month of July here at the Sandwich Generation Survival Guide.

Jody Argentino: I, I am so excited for that because, you know, at 47 I'm still learning it.

Candace Dellacona: I mean, aren't we all, it's, it's our, our life's journey towards independence. And on that note, and with that theme in mind, we decided to talk this episode about. Prenups and postnup and everything in between,

Jody Argentino: right? So welcome to episode five, miss Independent.

Jody Argentino: I think we're gonna call it Miss Independent. And even with that, I will say this is also Mix Independent or Mr. Independent. Um, but for sure, um, we, we of course, given who we are, are gonna focus. A little more on the independence of, um, of the misses.

Candace Dellacona: Yeah, it sounds great. And you know, for our guests, we're so lucky, Jody, that we have you, um, as someone that I will call an expert in the field of agreements like this.

Candace Dellacona: As many of our listeners know, you are a family law matrimonial attorney, so this is squarely in your wheelhouse and it's going to be more of the Jody Show where you're going to educate me and our listeners on all things related to these types of agreements. So are you ready to be peppered with questions so that you can give us a good indication of what you've been doing as your life's work for the past 20 years?

Jody Argentino: Well, I'm gonna try, I am not sure we can fit that into, uh, 30 minutes. But I'm gonna give that a shot. I think you can do it. Um, right, so when we talk about prenups, it's not just prenups, right? We're talking about any sort of agreement that is reflective of a relationship that you are entering into. Okay?

Jody Argentino: So for parents, you have co-parenting agreements. If you're roommates, you can have a roommate agreement or a cohabitation agreement, because I don't wanna just get stuck on prenups with that concept. And you know, me, I'm always like to think inclusive and, and make it, um. Make something, a project rather than simple.

Jody Argentino: Um, but we're talking about not just relationships that, that look at the hierarchical, um, chain of command, such that marriage is the pinnacle, right? We wanna look at all types of relationships to protect, protect ourselves, regardless of whether we choose to have a marriage license or whether we choose to have a, uh, cohabitation, um, with individual or individuals you know, that we care about, right?

Jody Argentino: But you know, for the, the thing that strikes me the most is often prenups because it goes along with something that in general, so much focus is, is made on planning for IEA wedding. Sure. Right. But prenups sort of like get like the short end of the stick. Like it gets tossed to the side,

Candace Dellacona: lost in the shuffle after the flower arrangements.

Jody Argentino: Right, right. And you're like, okay, but why am I spending. You know, x, y, z, a thousand dollars on flowers, but I don't wanna spend \$2,500 on a prenup that is going to protect me indefinitely. This like concept to me came about when I was sitting in Panera Bread, um, working on someone's prenup. Yes, this is what I do on my Saturdays whoopie.

Jody Argentino: Um, but you know, I had a house full of people and I was like, I cannot do this. And someone called me and they were getting married in two weeks and wanted a prenup, and I was like. It's two weeks out like that is not appropriate, but se Lavie trying to get this done for this family. So I lock myself in Panera Bread and a gaggle of women come in and they are sitting at the table next to me, like multi-generation, and they're talking about the dress and the flowers and the date of the wedding and the wedding's like a year and a half away.

Jody Argentino: And so I'm like, well, clearly they have just come from one bridal shop and are going to another bridal shop. And I found it ironic that I was sitting there drafting a prenup for someone that was getting married in two weeks who had assumedly done all of those other things well in advance. Right? So it was, yeah, I'm sitting there and I'm chitchatting with, um, one of the, one of the, I think aunts while everyone else is getting their bagels.

Jody Argentino: And I said, you know what's funny? I'm sitting here doing a prenup and everybody spends all this time on a dress, like a year and a half in advance. But I'm doing this prenup two weeks in advance, you know, and that's it. It's just sort of funny to me that that investment is sort of off balance there.

Yeah.

Jody Argentino: And she said to me, well, we're lucky. No one in our family has ever needed a, or have been with someone who required a prenup. I tried to just, you know, be diplomatic and, and yes her, but I'm thinking in my head, that's the silliest thing I've ever heard. First of all, it's not up to the other person.

Jody Argentino: Require something of you, right? You're you wanna take, talk about mis independence. You wanna take responsibility for yourself, right? And you are the one that needs the prenup. If, if someone else asks you for it, great. They've initiated the process. But, and the other part of that that made no sense to me was that we don't need it.

Jody Argentino: Concept. Yeah. Yeah. And misconception with regard to. Prenups, COHA agreements. Any, even, even like custody or parenting time agreement. Sure. Because people are like, well, we get along, it's just fine. And I'm like, but yeah, that's fine until it's not. Yeah. So let's

Candace Dellacona: talk about that though. Right. So, you know, many of our listeners are parents to.

Candace Dellacona: Marriage age, children maybe, um, or we as parents ourselves, um, perhaps are, you know, into or over our first marriage and we're considering a second marriage or a cohabitation with a partner. Um, and obviously, you know, you point out so succinctly the fact that there are these major misconceptions. Around the topic, and I think maybe what would be helpful to our audience is why don't we talk about the purpose of the, the prenup in more maybe constructable terms, right?

Candace Dellacona: It's first of all, protecting what you have or the other person, but specifically you we're talking about you protecting what you have that you're going into this relationship with, right?

Jody Argentino: Right, right. But that's where people stop. People think, well, if I don't have anything coming into this relationship, right?

Jody Argentino: I don't have anything to protect. First of all, there's no one that goes into a relationship with nothing, right? You may not have a 401k or own a house, right? But you assumedly have an income. Or if you don't have an income, right, you are relying on the other person. You're coming in with something. That is your, your person to protect.

Jody Argentino: Yeah. And then the other piece that people miss is you are protecting the life you're creating with the person. With the person. Yeah. So it's not just all like doom and gloom. Right. Right. It is. And so I try to tell people, take this opportunity. Talk about what you want your life to look like. Like a life plan.

Jody Argentino: It's a life plan. That's exactly right. It's like we sit there and we do that for estate planning. Right. Candace? It's like, okay, we hope we do like when you die. Yeah. Yeah. But like what do you want it to look like when you live?

Yeah.

Jody Argentino: Right. Yeah. And why that gets shoved aside when people are so focused on one day of planning rather than like the lifetime of planning.

Sure. Is.

Jody Argentino: Uh, it really strikes me as. Misplaced. Yeah. Right. So, and sometimes people are like, I don't understand. What do you mean? Um, the, the life you're planning. Okay. Well, you gotta talk about your home, your, what you plan to do for savings, even what you plan to do with children. Now, you can't put children into a prenup, like specifically if you don't have them.

Jody Argentino: Um, but you can consider any, um, like financial obligations to prior children or, um. Like children from a prior marriage or a general concept of what you think that both of you are going to do with regard to children's caregiving because it affects your finances. Right. So, you know, I recently did a prenup for someone where each party made about \$300,000 a year.

Jody Argentino: Wonderful. And so they're not thinking, they're just thinking, okay, we're gonna keep our own stuff. Like if we get divorced, we'll keep our own stuff. They both had assets. And I'm like, that's great. Okay, so what happens if you have a kid and one of you stays home from work and the other one decides you're getting divorced during that, you know, initial year of your child's life where you are not working at that time.

Jody Argentino: They're like, well, wait, what?

Candace Dellacona: Right. So, so a prenup or a, an agreement like that, Jody can cover the unknowns and force the conversation about. What would actually happen? So similar to like when I'm drafting a will for people, you know, people think they're gonna live forever, they don't ps um, but you're, you and I are drafting similarly for the parade of horrors the what ifs.

Candace Dellacona: Right? Um,

Jody Argentino: but also not just the horrors, Candace, like it is the amount of, well this is gonna be horrible what I say, but, so I guess it is a parade of horrors. But the biggest question I get. Is, or the biggest question I give, I suppose that people are like, oh, wow, hadn't thought about that, is what happens if someone becomes disabled.

Yeah.

Jody Argentino: Right. Because you know, people say, okay, we'll take our own, we'll go away. Okay, great. But what if someone has a traumatic incident and which we can't plan for? Right? And then they no longer could survive on their own. They could not financially survive if they were divorced from the other person and not.

Jody Argentino: Provided for financially in some way, and that has made, I, I will tell you, probably 90% of the prenups that I do, the people have never talked about it and are completely stumped Yeah. As to what they should do about that situation.

Candace Dellacona: Yeah. So do you find that when you meet with clients and you go over things like.

Candace Dellacona: Okay. What happens in terms of the home or the apartment you're living in? What happens in terms of savings that you walked in with versus what you've accumulated? What happens with the kids when it comes to disability? Uh, you know, what I'm hearing from you is that perhaps these conversations are, are happening or actually coming about because.

Candace Dellacona: It's brought up by someone like you to say, let's talk about what we envision happening if the worst would occur. Right. Um, which, you know, can be really hard, but certainly I think, look, if you're entering into a marriage or a cohabitation with someone, you have to have these difficult conversations.

Candace Dellacona: Right,

Jody Argentino: right. And it's truth be told, the prenup is more about transparency than anything else. Right. Talking about what you're coming in with. But also, um, and, and what your history is. Well, let's talk

Candace Dellacona: about that. Okay. What, what do you come in with? You, you, you sit down with an attorney, and do you think a good starting off point is to come up with the assets that you own and maybe the value of those assets?

Candace Dellacona: Is that what's expected in terms of the exercise in getting started?

Jody Argentino: Sure. The first thing that I ask people for is a list of their assets and debts. Okay. And, and would you say

Candace Dellacona: Okay,

Jody Argentino: right. Yeah, so that's important too, like student loans, right? Right. Mortgage loans. But like you have a house, it's not just an asset.

Jody Argentino: There's a debt associated with that most times. Right. So your net value is if you have a \$600,000 house and a \$400,000 mortgage, it's not a \$600,000 asset. It's \$200,000 asset. Right? Sure. You're talking about net worth, right? So it's important for people to. Um, to be, it's amazing how many people do not go into a relationship or into a marriage.

Jody Argentino: Um. Knowing that information about the other individual.

Candace Dellacona: Well, let's talk about that. Why though? Right. Culturally, a lot of times we see it as impolite, bringing up net worth assets that you own, debts that you have. Um, you know, we've talked about this in another podcast in terms of, you know, money and shame and all the things that could be tied to it, right?

Candace Dellacona: And then you're, you know, you're putting on your. Putting your best foot forward 'cause you're getting married to this dream person or cohabitating with this dream person, and then you're like, well actually I've defaulted on all my student loans and my credit rating is a 600. Um,

Jody Argentino: right.

Candace Dellacona: You know, it's, and it's shame.

Jody Argentino: Nobody wants to talk about it. Yeah, yeah. Right. You wanna present your best self to the person that you wanna spend your life with. But the, the issue is, is that you're gonna be intertwined with that person no matter how much you put in a prenup. We're gonna stay, we're gonna keep all our finances separate.

Jody Argentino: It's impossible. To keep things completely separately for sure. And live together or raise a family together.

Candace Dellacona: So starting with, we're coming up with, we're, we're coming to see Jody, and you know, you say, well, you have to come up with a list of assets that you own and the debts that are associated with you or those assets, and I assume what sort of income you're earning at the current time.

Candace Dellacona: Right? So it's like a snapshot. Does that sound right?

Jody Argentino: That's exactly right. It's a snapshot. Yeah. And it's because if you don't, it's the same thing at the time of divorce. Right. If you don't know what's there, you don't know what you're protecting. Right? Right. If you, and like certain states have, um, have statutes that require a full disclosure and if that full disclosure, it does not exist, that prenup being thrown.

Candace Dellacona: So does that, is that the case in New York? Is there a disclosure requirement

Jody Argentino: in New York and New Jersey? We always do disclosure requirements. Sure. They're sometimes more detailed than others. I know some attorneys that will just have a general recitation of things. I am very, very particular, um, in having things detailed because I have done litigation on the back end of this.

Jody Argentino: Right, right. Like I've done so, so you things where things

Candace Dellacona: have gone wrong.

Jody Argentino: Where I look at an agreement, I'm like, how the heck is that? A prenup?

Candace Dellacona: Yeah.

Jody Argentino: Right. And so if I can pull holes in it. I don't, I'm not gonna put that out under my name as a prenup. Right. You're not gonna draft something, get against it.

Candace Dellacona: Yeah. No, that makes sense. I mean, so then once you come up with the list, right, you're also coming with, along with the list comes the person, and like we said, your attitude towards money and debt and you know whether or not your career is a new one or you have been making money for a while and perhaps.

Candace Dellacona: What the net worth is of your family and what maybe you'll be inheriting one day. So it's not just a snapshot of you. There is a big picture here lurking in the background. Right,

Jody Argentino: for sure. And, uh, while you don't have to list your family's assets and debts having, um, something like anticipated, um, inheritance is really important to address.

Jody Argentino: Yeah. Um, because it's, it's going to, sometimes it will actually. Defeat the concept of unconscionability. Now, that was a lot of big words, right? But, um, like one of the things that can get a prenup thrown out is if it is unconscionable

meaning, right? Which

Jody Argentino: is, uh, meaning that it is like going, it is unfair, inherently unfair, okay.

Jody Argentino: In a particular circumstance. So, um, and that's my, uh, definition, not like Webster's or Black's law dictionary. But basically that is one of the reasons I press so heavily on the disability, making sure disability is accounted for. Because if you had someone making \$500,000 a year and someone making nothing and you put in a prenup that they're gonna walk away with their own, then there's no alimony.

Jody Argentino: That could very well be considered unconscionable, however, got it. If you have that same situation, but both people are making \$500,000 a year, but one then becomes disabled. That agreement could be seen as unconscionable because there was no provision for that.

Candace Dellacona: Yeah,

Jody Argentino: right. Okay. So

Candace Dellacona: transparency and forecasting for the future can really determine the, the viability of the document, of the document you're entering into.

Candace Dellacona: So you gotta tell your lawyer everything that is right. You know, as with most things, you should tell your lawyer everything.

Jody Argentino: Right. And some people will say, oh, well, you know, it, it's, I don't care about that. Or like, well, can't we just, I'll just give in on that part. And I'm like, okay, but that doesn't, if you're, if you're bothering to do this, why aren't you gonna do it?

Jody Argentino: Right.

Candace Dellacona: Yeah. Right. No, that Right, exactly.

Jody Argentino: And which is the whole reason why we try not to do these agreements a couple of weeks in advance. Sure. Because conversations need to be had. Yeah. So a lot of people have a complete misunderstanding of marital property.

Candace Dellacona: Let's talk about that. So let's talk about, you know, what's yours versus what's theirs?

Candace Dellacona: What's mine? Yep. And what's mine and what's ours like, how is it, how do you determine all of that? Fill us in, in figuring that out.

Jody Argentino: So different states have different laws with what qualifies as marital property or community property versus individual property. Okay. Um, so first of all, you have to know what you're talking about.

Jody Argentino: Um. Uh, oftentimes things like gifts or inheritance, um, or premarital things would automatically be excluded from a, we'll call it the marital pot. Okay. But, um, but what people don't understand, a lot of the times, and I often see this as a divorce attorney, not as a prenup attorney, right, is people will say, well, yes, that's my retirement, but it's been entirely in my name.

Jody Argentino: And I'm like, that's lovely, but every penny you earned during the marriage is marital money. So that retirement is marital money. So is the

Candace Dellacona: whole pot of marital, uh, pardon me, is the whole pot of retirement assets. If I walk into a relationship with a million dollars and then during the course of the relationship marriage or otherwise, I earn an additional 500,000.

Candace Dellacona: So it's a total of 1.5 million. Is the 1.5 million marital or joint or not, not joint, obviously, but Right. Or is it just the 500,000 that I earned during the relationship?

Jody Argentino: It is the portion from the relationship during what we call the curvature, um, of the marriage from the beginning of the marriage till whatever end date is pursuant to statute in that particular state or case law.

Jody Argentino: But it's also the growth and loss on that. Ah, okay. So it's not like a yes or no question. Of course. I I'm gonna give you the lawyer answer that's like, oh, it depends. But so many people are like, well just put, like, if it's, you know, if it's in my name, it's mine. I'm like, great, but like, let's talk about that because what if it's a house?

Jody Argentino: What if you're using money from an individual account to pay for a part of a mortgage? What if you buy a couch together? What if you like? And so I get a lot of people are like, stop. Like I don't wanna think about all of that. I'm like, that's wonderful, but you actually have to think about it either way, whether you're gonna deal with it or not.

Jody Argentino: At some point you're gonna deal with it. Well, let's talk about that.

Candace Dellacona: So like what if it's an inheritance, which is clearly separate, right? Except if I inherit a quarter of a million dollars and I take that quarter of a million dollars and I purchase a house with my new spouse, and we're jointly on title, is my inheritance still separate?

Candace Dellacona: Can I carve that out from the value if the marriage ends and it's not really addressed well in the prenup?

Jody Argentino: Well, I mean, my first piece of advice is to address it well in a prenup. So one of the things I'm, I'm always trying to do is anything that's already owned or anything that's anticipated, or even if it's not, we just put it in there anyway and say, if this is the case and I contribute this, then I'm gonna get that back out.

Jody Argentino: Got it. But we also have to make contingencies for if the property value is less than the money's put in. Right. So we have to make sure that we're doing it by percentage or some other creative formula so that it doesn't become, um. Unconscionable or it doesn't become inequitable or impractical, quite, quite frankly.

Jody Argentino: Yeah. Um, and then other things that are, that we talk about is, alright, are there gonna be career breaks for child rearing? And how does that affect any, um, alimony obligation or any like support? So that's, that's an

Candace Dellacona: income, right? That's like an income. So, so in a prenup or a cohabitation agreement, or an agreement in general, you have an asset section and then you have an income slash support section.

Jody Argentino: So yes, we have different sections that deal with different things, but it's a little more overlapping in a prenup than probably in a divorce context because part of the issue is talking about career building, right? And, and whether you're gonna take a career break. And so that then affects your assets and that also affects whether you're gonna have a disability policy and whether that's gonna be part of your plan.

Jody Argentino: Yeah. So it's really about this. Contribution to retirement and what your expectations for spending are.

Yeah.

Jody Argentino: Uh, are you gonna spend on a joint credit card? Are you going to jointly pay that credit card? So there's a lot of this that yes, you can get into a lot of details and some people want a lot of details, right?

Jody Argentino: And some people want general concepts,

right?

Jody Argentino: Either is okay so long as the bottom line has some sort of formula to be able to figure out what should have been done. Yeah. Or like what should be considered,

Candace Dellacona: right? I mean, so you know, you, you brought up in the beginning talking about overbearing, um, these women a year out talking about address, and you are drafting in an agreement two weeks in advance.

Candace Dellacona: I mean, just, I. By virtue of this conversation and how many little nuances and nooks and crannies and maybe spin off discussions that relate to all the issues that you have to cover in a prenup, it's never good to do it last minute. But my question for you is, what if you are the person at two weeks out, like, oh gosh, you know, it is' something that I've considered.

Candace Dellacona: Are they enforceable? If they're drafted so close to a wedding,

Jody Argentino: it is not just one factor. So it wouldn't be like, oh, this is, um, this is signed a week before the wedding or the morning of the wedding. That is not enforceable, but it's really a totality of the circumstances. So it's if you've been working on it for a year Yeah.

Jody Argentino: Right. But you just don't sign it until that day. It's very different than if somebody pops up the morning of your wedding and before you sign a katuba makes you sign a, sorry, like a Jewish marriage license. Yeah. Yeah. Before you sign that you're signing a prenup 'cause they shoved it in your face. Sure.

Jody Argentino: Right. It it, it makes a difference. Yeah. It, I have less of an issue doing a prenup for people sooner if there wasn't a significant amount of wedding planning.

Got it. Right.

Jody Argentino: And so, so if people are like eloping or Yeah. Or like. You know, just not having a big deal of a, of a ordeal of a wedding. Right. But once you start putting deposits down and this and that, right?

Jody Argentino: Like, I had a case once where some, there were three weeks before the wedding and he did not wanna put in my, i the, uh, woman, uh, it was a heterosexual marriage. And so the guy didn't wanna put anything in there with regard to alimony, but expected the school teacher party that I represented to. Wave alimony, but also expected her to stay, to stay home with the kids.

Jody Argentino: And I was like, this is a ridiculous, like this is, it shouldn't out. Right. It's, it's

Candace Dellacona: incongruent because how could you do both? Right. So, right. Well, so to that, you know, to, to that point. Right. But it's, but two weeks

Jody Argentino: before the wedding, hold on. Right. That's the important part, right? Yeah. Two weeks before the wedding, she's got her dress, she's, the invitations are out at everyone's RSVP'd, and now she's at a position where she has to say.

Jody Argentino: I don't wanna marry you in two weeks. Someone has to like, or accept it. Stand up for that. Yeah. Right. And say, you know, but you've got family pressure, you've got societal pressure, you've got all of that stuff. And then combine it with the shame. There's a lot of pressure. And, and if you are, you know, she's like, well just take it out.

Jody Argentino: I'm like, I'm not gonna just take it out. You can go hire a different attorney. Right. But like, I'm not just gonna take that out. Like that's not. 'cause you see that

Candace Dellacona: as an integral part of the agreement itself, and for your client's protection of, so

Jody Argentino: like, we can reword it, we can figure it out. We can come up with different solutions.

Jody Argentino: We can put a, a cap on it or a baseline on it or something, right? There has to be a solution to it. I'm a problem solver.

Candace Dellacona: But let's say that, you know, they're, they're at an impasse, right? They miss the boat. She stops returning your phone call. It never gets signed. You know, I hear people talk about, well, you can just do a postnup.

Candace Dellacona: I mean, is that really a thing? You know, I hear conflicting sort of bits of information about, about what a postnup is and how enforceable it is at all, and whether or not you should bother.

Jody Argentino: And the thing is, it it for good Cause you hear, um, conflicting information because there's not really a perfect answer for that.

Jody Argentino: And I know some people are like, oh, well we drafted it all but then we signed it after the wedding. And I'm like. You know, like, like yikes. Palm palm to faith.

Yeah.

Jody Argentino: Um, so what happens is, is that when you have the wedding in basic contract law, there has to be consideration, right? What we call consideration.

Jody Argentino: So it has to be like, you get something to give something,

Candace Dellacona: right?

Jody Argentino: And if the marriage already happened, the contingency is gone.

Sure. Like

Jody Argentino: the, the consideration is gone. Right? So like there's no. You're not bargaining for something, there's no

Candace Dellacona: quid pro quo anymore, right? Yeah. Right.

Jody Argentino: Yeah. So it it, it dilutes the effectiveness of it.

Jody Argentino: And so sometimes a postnup I see more often when people are, um, haven't done it at all. And like later something is spurring it, someone's getting inheritance or someone is deciding, hitting a date with

Candace Dellacona: finances or something. Something, yeah.

Jody Argentino: Yeah. Or having a discrepancy or a potential issue in their marriage.

Yeah.

Jody Argentino: Um, but post-ops are often not enforceable because of that consideration piece.

Yeah.

Jody Argentino: There's been, um, like in New Jersey, there's been some case law that indicates that, okay, if you, you can maybe have that consideration if someone files for divorce and then you do a reconciliation agreement. The consideration right, is the withdrawing of the divorce complaint.

Candace Dellacona: Got

Jody Argentino: it.

Candace Dellacona: So, and you're saying, I'm, I'm withdrawing my divorce complaint because we're agreeing to this if something ever comes to fruition.

Jody Argentino: Right.

Candace Dellacona: Got it. So

Jody Argentino: it's more of a reconciliation agreement that like falls into the post NB category.

Candace Dellacona: Sure, sure.

Jody Argentino: Um, but the major point, it's the same with a cohabitation agreement.

Jody Argentino: Right. There has to be consideration. Yeah. What happens if you don't sign the agreement? Well, you don't move in. You don't buy the house together, whatever that is.

Candace Dellacona: So, but you need to have that, you need to have that piece to, to make it really a viable instrument that's enforceable later on. So don't bother unless you have that.

Candace Dellacona: And then, so, you know, for, for our listeners out there who are, like we said, parents of. Marriageable age for their children. And you don't wanna be the annoying mother-in-law or the father-in-law saying, Hey, what about a prenup? I mean, I think that, you know, maybe the best way to approach it with your, your child is, and maybe tell me if I'm wrong, is to say, Hey, it's not just about your protection.

Candace Dellacona: It's about their protection too.

Jody Argentino: Right. Yeah, and I always say those to people. I'm like, it's protecting both of you. It's not a one-sided thing. So back to that lady in Panera Bread where it was like, oh, um, no one's ever required one. And I'm like, no, but it doesn't matter. It's for both of you to make sure that you are covered.

Jody Argentino: But also that you've discussed all of these things and have this concept, and you're not after your marriage fighting about how much someone's gonna put away for

retirement or what the expectation for that is. Right. It's, yeah. You'd rather have regimen before.

Candace Dellacona: Yeah. I mean, it's, it's so funny, you know, depending on your religious affiliation, you know, Catholic people go through something called Pre-Cana, right?

Candace Dellacona: Um, you know, others may meet with their rabbi to talk about. You know, certain issues as it relates to expectations in family and family rearing and that kind of thing. And, you know, maybe if this issue was able to be reframed in a way that didn't feel so uncomfortable. Um, and back to, you know, our American roots we're talking about mis independent and 4th of July and all these things.

Candace Dellacona: And the shame associated with talking about things like money where we just kind of rip the bandaid off of whatever preconceived notions we have and, and really. Own that and, and, um, pay. Maybe in some ways I'm gonna go a step further and say, perhaps you could have an ever even stronger foundation when you talk about these difficult issues.

Jody Argentino: Right, right. And I've actually had people thank me for that and said, wow, we never were, we weren't talking about this, but this is, this really brought up a serious conversation for us. And, you know, brought a lot of clarity to like how we wanna live our lives.

Candace Dellacona: And so were there ever any clients that, um, that said, you know, after you brought up these difficult conversations where they said, you know what, we're actually completely at a place where, you know, our, our thoughts are not at all cohesive and we're not going to get married.

Candace Dellacona: Has that ever happened

Jody Argentino: that you know of? Um, not in that way. Okay. I definitely have, um, had people take a break. Okay. From the discussions.

Candace Dellacona: Sure.

Jody Argentino: Um, like be like, we need to not focus on this for a couple of weeks and we need to each think about it and we need to come back to it. But that said, I am also very much like the master of the workaround.

Jody Argentino: So like I usually don't present a problem to someone without presenting a potential solution to them. So,

Candace Dellacona: yeah, I mean that's important for our listeners too, right? Where, you know, in the same way when I'm drafting a will and you're trying to think of guardians for your kids, and there is no perfect person.

Candace Dellacona: Our jobs, you know, as your lawyers, as your conci, your counselors, um, is to help you come up with solutions. So maybe, you know, in that spirit, it's not to be

intimidated by these. Really heavy topics, but to like figure out a way to work through them. Right, Jody.

Jody Argentino: Right. And it's like if you have enough time to do that right, then you're not talking about.

Jody Argentino: You know, death and taxes all in one week.

Candace Dellacona: Yeah, I love that. Right?

Jody Argentino: Yeah. You're, you're spreading it out and you're talking about your kids and then you're, your, your plans for life. You're talking about your career, you're talking about, you know, how you wanna spend your money or save your money and, and it's, it's an organic discussion.

Jody Argentino: Yeah. Maybe I've spurred it, but it's an organic discussion, not one that's like under pressure, under duress.

Candace Dellacona: And I love what you say, you know, Jody, um, if any, any of our listeners have been lucky enough, um, to attend one of Jody's many, many opportunities for public speaking and seminars that, that she teaches.

Candace Dellacona: And I love, um, the way that you kind of present to our audience, kind of like the, the key takeaways, right? Like, don't lose sight of the big picture, right? You love this person. You should have these challenging conversations. It will hopefully bring, bring you closer and remind you why this is your person, why you wanna live together or get married.

Candace Dellacona: Right. Yeah.

Jody Argentino: Or if not, if you have a, a core issue, it gives you the opportunity to work through it. Yeah. Before you are, you know, in hot water about it. Yeah. And resolve

Candace Dellacona: conflict maybe.

Jody Argentino: Right, right, right, right. Yeah.

Candace Dellacona: Yeah. So, I mean, and the bottom line is talk to an expert. It's important that the state in which you reside, you reach out to an expert.

Candace Dellacona: Obviously, feel free to email us. Jody can connect you with our network of attorneys. You need your own attorney. Prenups should not be drafted by one lawyer. Every, every party needs their own lawyer. So no joint prenups, right, Jody?

Jody Argentino: Uh, no. Most states do not allow joint prenups with good reason countries do.

Jody Argentino: Um, but uh, but certainly anyone that says, oh no, I'll do it for both of you, and then. It's either gonna be rubber stamped by another attorney. All of these things are things that are like, no, eh, like don't do those because it's just gonna come back and bite you in the ass. It's one of those things that no legal zoom,

Candace Dellacona: none of those online shtick.

Candace Dellacona: Nothing is one size fits all.

Jody Argentino: No, I can't even discuss the online service. Right. Well, we won't.

Candace Dellacona: We won't. But you know, thank you so much, Jody, for enlightening me and enlightening our audience. This really important topic, maintaining your independence. Happy 4th of July, and all that good stuff. Um, so thank you to everyone for listening, and we cannot wait to be back to you in the next two weeks with another very interesting topic we're gonna be talking about.

Candace Dellacona: I. Long-term care and home care and all the things that go along with it, so stay tuned, everyone, which I'm

Jody Argentino: excited about. You get to talk the whole time on that one.

Candace Dellacona: Can't wait. Thanks again, everyone.