

Prenuptial Agreements

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Overview

Protecting What You Bring to a Marriage

Most couples do not fail because they discussed money before the wedding. They fail because they did not. A prenuptial agreement defines financial expectations, protects pre-marital assets, and eliminates uncertainty that would otherwise surface during a crisis. For business owners, individuals with inherited wealth, and anyone entering a second marriage, this conversation is not optional. The topic may feel awkward, but the clarity a well-drafted agreement provides strengthens a relationship rather than straining it.

Massachusetts courts do not enforce every prenuptial agreement placed in front of them. Under the DeMatteo v. DeMatteo framework, enforceability turns on whether both parties made full financial disclosure, had access to independent legal counsel, and signed without coercion. An agreement executed days before the ceremony invites judicial scrutiny a well-planned agreement avoids.

Cohen Cleary drafts prenuptial agreements built to withstand that scrutiny, giving both parties confidence before the marriage begins.

How We Help Couples Draft Enforceable Prenuptial Agreements

We tell our clients that a prenuptial agreement is not a plan for divorce. It is a financial foundation for marriage. Our approach begins with understanding what each party needs to protect: business interests, real estate, retirement accounts, family wealth, or future earning capacity. The cost of drafting a prenuptial agreement depends on the complexity of that financial picture and the issues involved.

Our attorneys handle every stage of the prenuptial process, from conducting thorough financial disclosure to drafting terms that address property classification, spousal support, and asset protection. Massachusetts law does not permit prenuptial agreements to predetermine child custody or child support. We advise each party on retaining independent counsel, a factor courts weigh heavily when evaluating enforceability.

When a prenuptial agreement intersects with trust structures, business succession plans, or inherited wealth, we coordinate with estate planning counsel to ensure prenuptial terms and beneficiary designations do not conflict. For clients entering second marriages, this coordination is critical, as obligations to children from prior relationships create competing priorities the agreement must address.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our family law work, this approach helps clients navigate sensitive financial planning decisions with clarity, efficiency, and confidence.

Our Approach and Why Timing and Process Determine Enforceability

A prenuptial agreement signed the week before the wedding is practically begging to be challenged. Massachusetts courts evaluate whether both parties had adequate time to review terms, consult independent counsel, and absorb full financial disclosure. Rushed agreements fail the enforceability test at disproportionately high rates.

We build timeline discipline into every engagement. Our process begins months before the wedding date, with structured intervals for each party's counsel to review, negotiate, and finalize terms. That sequencing ensures neither party can later claim the agreement was the product of pressure, incomplete information, or inadequate advice.

Serving Clients Across Massachusetts and Rhode Island

Cohen Cleary represents clients in prenuptial agreement matters throughout Massachusetts and Rhode Island. Our prenuptial attorneys practice regularly in the Probate and Family Court departments across southeastern Massachusetts from our [Taunton](#) and [Plymouth](#) offices, covering Bristol County, Plymouth County, and Norfolk County. That court-level familiarity matters when drafting agreements built to withstand enforcement challenges.

The firm also serves clients across New England who need a prenup lawyer experienced with premarital agreements governed by Massachusetts law.

Schedule a Prenuptial Agreement Consultation

If you are planning a marriage and want clear financial terms from the start, contact Cohen Cleary to schedule a prenuptial agreement consultation. Our attorneys will evaluate your circumstances, explain your options under Massachusetts law, and help build an agreement that holds up.

Frequently Asked Questions About Prenuptial Agreements in Massachusetts

What makes a prenuptial agreement enforceable in Massachusetts?

Courts apply the DeMatteo v. DeMatteo framework, evaluating whether the agreement was fair and reasonable at execution and not unconscionable at enforcement (the “second-look doctrine”). Both parties must have provided full financial disclosure, had the opportunity for independent counsel, and signed voluntarily. Agreements lacking these elements risk being set aside.

How far in advance of the wedding should we start the prenuptial agreement process?

We recommend beginning at least three to six months before the wedding. Courts view agreements signed under time pressure with skepticism. Starting early gives both parties time to review terms, consult their own attorneys, and negotiate without the pressure of an approaching ceremony.

Can a prenuptial agreement address child custody or child support?

No. Massachusetts law does not allow prenuptial agreements to predetermine child custody or child support. Those determinations are based on the child’s best interests at the time of any future proceeding. A prenuptial agreement can address property division, spousal support, and classification of marital assets.

Is a prenuptial agreement only for wealthy couples?

Prenuptial agreements serve any couple with distinct financial circumstances. Business owners, professionals with retirement accounts, individuals entering second marriages, and anyone with pre-marital property or debts benefit from the clarity an enforceable agreement provides.