



2011 ASSEMBLY BILL 235

August 30, 2011 – Introduced by Representatives KLEEFISCH and KNILANS. Referred to Committee on Judiciary and Ethics.

1 **AN ACT to create** 767.345 of the statutes; **relating to:** approving premarital
2 agreements.

Analysis by the Legislative Reference Bureau

Under current law, in an action for annulment, divorce, or legal separation, there is a presumption that the property of the parties will be divided equally. The court may alter that distribution, however, after considering a number of specified factors, including whether the parties made a written agreement before or during the marriage concerning an arrangement for property distribution. If the parties have made such an agreement, the agreement is binding on the court unless it is inequitable to either party. Case law provides that such an agreement must satisfy three criteria to be equitable: 1) there must have been fair and reasonable disclosure of the financial status of each party at the time the agreement was made; 2) the agreement must have been entered into voluntarily and freely; and 3) the provisions of the agreement must be fair to each party both when it was made and at the time of the action.

This bill provides that, in an action for annulment, divorce, or legal separation, a premarital agreement is binding on the court with respect to property division and maintenance (formerly known as alimony).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

