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Understanding Reconciliation Agreements

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This short article is intended to provide information and resources to help you make informed decisions involving the possibility of or avoiding divorce.

What is a Reconciliation Agreement?

A Reconciliation Agreement is a written agreement you and your spouse prepare in an attempt to reconcile marital differences while acknowledging the possibility of divorce. The agreement sets out the rights and obligations of you and your spouse if divorce becomes an unfortunate reality. According to the law, it is hoped that in some cases the agreement "may inhibit the dissolution of a marriage, or may protect the interests of third parties such as children from a prior relationship." These agreements are also called "postnuptial" or "marital" agreements.

Benefits of a Reconciliation Agreement:

- A Reconciliation Agreement permits married parties to arrange their financial affairs and settle mutual obligations, including support, should the parties end up divorcing.

For whom is a Reconciliation Agreement Appropriate?

- A Reconciliation Agreement is appropriate for spouses where one or both have an interest in trying to "make the marriage work" but fear, if it doesn't work out, the "next round" could be a "battle" in divorce court.

Important Considerations:

- A Reconciliation Agreement must contain certain provisions and be written under certain circumstances that have been established in law.
- A Reconciliation Agreement is not the type of agreement spouses should attempt to write on their own because, if a required provision is left out, the agreement will not be enforceable.
- Mediators who are familiar with Reconciliation Agreement law assist spouses to identify their individual needs for a successful reconciliation. They then help the spouses write their Reconciliation Agreement.
- For a Reconciliation Agreement to be enforceable, it must be approved by a judge of the Probate and Family court. Before approving any agreement, the judge will look to see if the agreement has the required provisions and was signed under the correct circumstances.

More Information:

You can read the actual decision that made Marital Agreements legal in Massachusetts by entering **Ansin v. Craven-Ansin, 457 Mass. 283(2010)** in your search engine.

Anthony C. Adamopoulos has over 25 years of divorce resolution experience. He is a member of the Massachusetts Council on Family Mediation and a graduate of its Family Mediation Institute. He received *Advanced Mediation Training* at The Center for Dispute Settlement, Washington, D.C. and is a certified attendee of the Harvard Law School Program of Instruction for Lawyers – Mediation Workshop. He is a founding member and former director of the Massachusetts Collaborative Law Council and a founder of North Shore Collaborative Divorce.

This article is not intended as professional advice and should not be construed as such.