



Getting Married

GETTING MARRIED
Life Stages

The graphic includes a purple and orange color bar at the top, a shield icon containing two interlocking rings, and a row of six small circular icons representing various life stages: a ring, a heart, a couple, a family, a house, and a lightbulb.

FOR MORE INFORMATION,
CONTACT YOUR
INDEPENDENT ASSOCIATE:

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GETTING MARRIED

Take Life One Step at a Time

There are key events in life when having a law firm in your corner isn't just a good idea, it's a necessity. Throughout these specific life stages, we all encounter situations that require an attorney that is knowledgeable in different areas of law. From getting married to end-of-life preparations, you can rest easier knowing your legal rights are protected no matter what stage of life you're in.

By providing affordable access to an attorney, LegalShield has you covered for all of life's biggest occasions.



Top Legal Needs Associated with Marriage

Prenuptial Agreement	Name Change	Will Preparation	Child Custody/Child Support
Average Cost: \$1,500	Average Cost: \$900	Average Cost: \$2,000	Average Cost: \$4,000

Total Cost: \$8,400 | Annual LegalShield Membership: \$300 | Savings: \$8,100

Amounts based on LegalShield Provider Law Firm average rates. Exact costs are determined by law firms. Savings are based on LegalShield annual membership fee of \$300 per year.

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NAME CHANGE

Getting Married? Find Out What is Required for a Name Change.

You can do whatever you want with your last name these days, as long as you do it legally. When you get married, you can keep your own name, take your spouse's name, hyphenate your name with theirs, or come up with a completely different name. Whatever you do, your legal documents need to show the correct name.

Only two major rules apply:

1. Use your chosen name on your marriage certificate. If the local clerk's office doesn't automatically send you a copy of your marriage license, call them and ask for a copy.
2. Update your identification documents to reflect your new name, including your Social Security card and your driver's license. Visit the Social Security Administration Office (SSA) to fill out an application, then mail your application to the local SSA office to get your new Social Security number (SSN) card. For your driver's license, just take your new SSN card to the local DMV and have them update your info.



Taking/Hyphenating Your Spouse's Name

Simply taking or hyphenating your spouse's name is typically easier than other forms of name change because it generally only requires a copy of your marriage license.

Once you follow the two major rules listed above, you can finish the rest of your name-change process. Don't worry if it takes a while; many people are still working on it after months or even years of marriage. Be thorough and make sure you update all your important documents, accounts and memberships.

Steps to take:

1. Make sure your bank knows about your name change. Ask for new checks, debit and credit cards. Take your updated driver's license and marriage license for verification.
2. Notify the post office about your name change and potential change of address.
3. Inform your employers so there is no confusion with your paychecks.
4. Let your electric, phone and other utility companies know.
5. Alert your credit card companies, insurance companies and your landlord or mortgage companies.
6. Update files stored at your regular doctor's office.
7. Notify your school or alumni associations and your investment account providers.
8. Tell the voter registration office and the passport office.
9. If you are a frequent flier, let your airline know so they can transfer your miles.

Using a Different Last Name

If you are choosing a last name that is not your spouse's nor your original surname, some states might require more than just your marriage license. You may also need a petition to legally change your name; an order to show the reason for legally changing your name; and a decree to legally change your name. The court clerk will file these items. Then, a judge will review them and legally grant you the name change.



Exceptions to Name Change

You can legally change your name to almost anything you want. However, there are a few exceptions. You can't change your name to commit fraud, avoid debt or evade criminal charges.

Have a Child? What to Do About Their Last Name.

Your child's last name does not have to change, even if you change your own when you get married. Even if your spouse legally adopts your child, his or her name can stay the same, hyphenate or change to match the spouse's name.

If you decide to change the child's name, depending on state law, you must notify their other parent and have them sign a consent, unless their parental rights have been terminated. Sometimes this is difficult if the other parent is estranged, hard to locate or fights the name change.

Other factors may include the child's age, what the child wants and the reason for the name change. Changing the child's name is not the same as an adoption. You should seek advice and assistance from an attorney.



PRENUPTIAL AGREEMENT

What Is a Prenup?

A prenuptial agreement, antenuptial agreement or premarital agreement is often referred to as a prenup. Among other things, prenuptial agreements establish the property and financial rights of each spouse in the event of divorce. You're also being open with your partner about your financial status, needs and concerns as you enter marriage. State law requirements can differ, making it important to seek advice and assistance from an attorney.

Separating Your Finances

A prenup can determine whether an asset is the separate property of one spouse or part of the marital estate.

A prenup is a good step toward protecting your assets. If you earn much more than your partner, then a prenup can be used to limit the amount of alimony that is payable.

But there are other reasons to separate your finances. A prenup doesn't only apply to individuals with substantial wealth or to the wealthier spouse. If you own a business, a spouse can claim a portion of your business appreciation or income. Divorce is one of the biggest threats to the stability of your business, so it's important to get that squared away in your prenuptial agreement.



Property Rights and Distribution

One of the advantages of a prenup is to control how finances and assets are divided and distributed. State law will determine how to divide certain property acquired during marriage if you don't have a prenuptial agreement in place.

To be valid, a prenup must meet the requirements of state law which normally include proper execution prior to the marriage. To preempt having a court decide what happens to the property attained during your marriage, a prenup may be desired. Property distribution in the event of death may also be addressed.

The property and assets you bring to a marriage are called separate property. This can also include inheritance. A prenup can address issues related to inheritance.

The same concept applies to a house that you owned prior to the marriage. If you want to be sure that the house remains your sole property in the event of divorce, a prenuptial agreement can help address this issue. If you have family heirlooms or other family property you want to keep in your birth family, this can be specified in the prenuptial agreement. A prenup also helps ensure that your estate plan is carried out as you see fit, along with other crucial documents, such as Wills and living trusts. You should also make sure that assets and the house are properly titled so that your goals are met.



Pre-Marriage Debt and Debt Liability

If your partner has a high debt load and you don't want to be responsible for it in the event of divorce, your prenuptial agreement can give you that extra layer of protection.



Remarriage

A prenup is an important part of ensuring that when you pass away, your assets are distributed according to your wishes. But what about when remarriage is on the horizon and your wishes have changed? What about second marriages and blended families?

Legal and financial concerns will have significantly changed for you from your previous marriage. Children, support obligations, significant assets – the list goes on. With a prenup, you can ensure that your previous and new families are taken care of as you see fit.

Can a Prenup Help Minimize the Damage of Your Divorce?

Protracted court proceedings can be expensive. Avoid the grief of negotiating all the above when emotions and expenses are running high. It's hard to think about the possibility of divorce before you even get married, but there are definite pros when it comes to minimizing the potential damage of your divorce.

For example, there will be greater transparency around the assets that were handled by the agreement, and that reduces tension and court intervention. However, it's important to note what can't be included in a prenup.

A prenuptial agreement can't definitively address child support or custody issues for unborn children, so these issues will have to be resolved at the time of separation or divorce.

Additionally, a prenup can negatively impact a divorce if one of the spouses asks the court to reject the agreement. The judge will then review all the circumstances with respect to the preparation and signing of the prenup, in order to determine whether it is valid.

Will the Language in the Agreement Be Complicated?

That part is up to you. The complexity of the language included in your prenuptial agreement depends on your circumstances and how you decide to negotiate the terms.

Preparing Yourself for the Possibility of Divorce

Is a prenuptial agreement romantic? Well, no. Creating a prenup with your partner is far more practical than emotional.

Yet oddly, this uncomfortable, potentially messy prenup conversation could bring you and your partner closer together.

Divorce isn't an inevitability, but it is a logical possibility. The most recent report from the National Center for Health Statistics shows that roughly 42% of marriages end in divorce.¹ If you and your partner are comfortable enough to have this discussion, then you have strong proof that you can handle the stressful, delicate conversations that come with marriage.

} **42%**
of marriages
end in divorce.

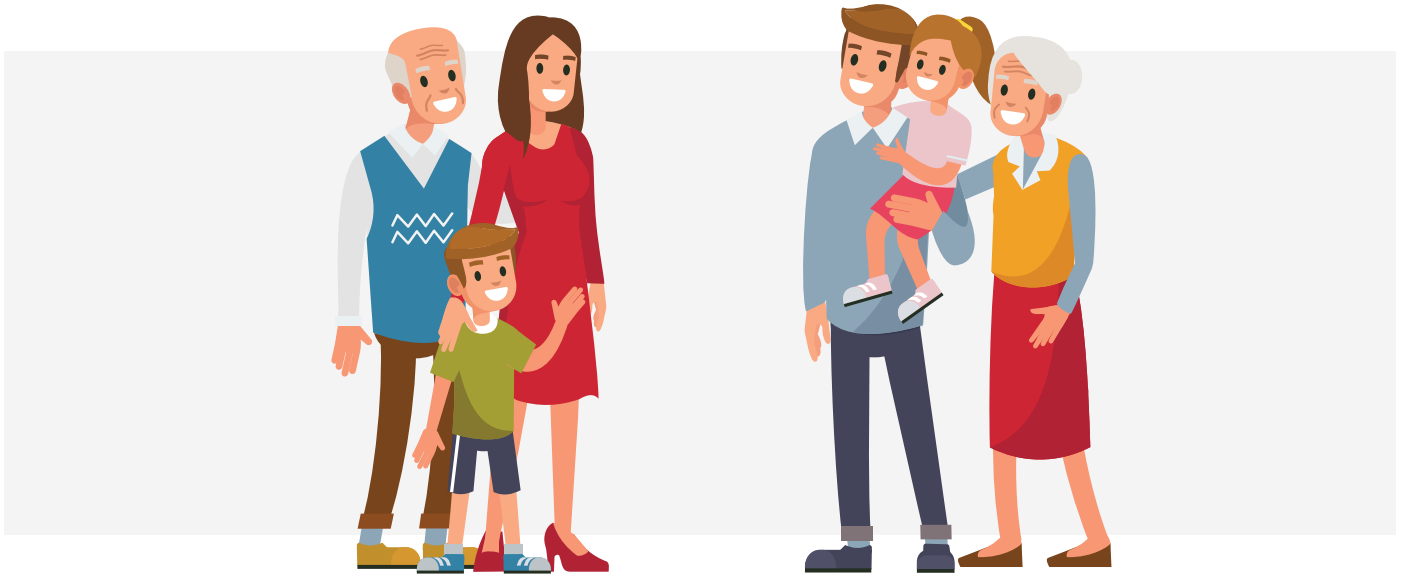
It's difficult to recommend what is likely to be a strained conversation for even the most practical and grounded of couples, but initiating a prenuptial agreement is worth your full consideration.

¹ <https://www.cdc.gov/nchs/fastats/marriage-divorce.htm>

CHILD SUPPORT/ CHILD CUSTODY

Dealing with Children and Remarriage

Remarriage can be confusing if you have a child. While child custody, support and visitation rights can sometimes start a fight in court, it's critical to remember the child's best interest. When possible, shared or joint custody is the preferred option for a child; but sometimes that isn't the case. Deciding on sole custody requires discussion around visitation rights, child support and other potentially controversial factors. To minimize heartache and confusion, it's best to seek advice from an attorney.



How Child Custody Works

Custody rules vary from state to state, but typically both parents have the right to receive all materials concerning the treatment and well-being of the child. Each parent is allowed access to the child's school activities, progress and conferences, religious events or medical treatment, and other activities. Each parent also has the right to communicate with their child by mail or phone.

In any state, however, the child's best interest should be considered first, along with the child's wishes and preference. Before getting remarried, you should have conversations together with your future spouse and your child's parent to determine what is best for the child. The primary concern is that the child's life and education is disrupted as little as possible. Based on several different factors – including the ones just mentioned – courts will make decisions about custody and parent visitation rights.



Who Provides Child Support?

Child support laws vary by state. A court will decide the child support obligations of the parties. Child support is normally paid until the child is 18, or even 19 if the child is still in high school. Parents are often required to provide documents that show their income, tax returns, Social Security payments, and many other details. Primary support payments are decided based on both parents' income. The child's health insurance costs and other expenses are also considered. If one parent spends more time with the child – hence, more money – child support payments need to reflect that. If a parent purposely avoids paying child support, courts may order them to continue paying. It can get confusing, but it's important to work toward a common goal to benefit the child.

However, changes in your life could be cause for modifications in existing child support agreements. So, it is important to speak to an attorney to find out how getting married could affect child support.

What Can Lead to Changes in Child Custody?

There are other reasons which may require changes in child custody beyond remarriage. Once again, the courts need to be involved and the laws can vary state to state. Normally a party must show that there has been a substantial change in circumstances, and that a modification of child custody or placement is still in the child's best interest.

Some instances that might determine a change include these examples:

1. Parental health
2. Parental capacity to care for the child's basic needs
3. Parental ability to love and guide the child
4. Parental willingness to provide contact with the child's other parent
5. Parental commitment to giving the child a meaningful childhood and a responsible adulthood
6. Stability of the child's home
7. The child's own preference
8. Potential separation of the child from other siblings
9. Agreement of the parties

Seek Legal Help

For a child, remarriage can be just as stressful as a divorce. You should carefully consider how to present this life-changing event to your children. One of the best things you can do for your child is to get professional assistance and advice during this busy chapter of your life.

LAST WILL AND TESTAMENT

Creating Your Last Will and Testament

It can be stressful to consider creating your Last Will and Testament – you’re acknowledging that you must prepare for your own inevitable demise by actively planning for it. You might not have given it much thought before, but getting married means you should begin considering how to care for your new family once you are gone. Creating a Will is a way to stay in control over who inherits your property, who will administer your estate, and who will serve as guardian of your children. There may be additional estate planning beyond a Will that should be considered.

Do I Need a Lawyer for a Last Will and Testament?

The complexity of your case, rather than the sole factor of cost, should be considered. You should seek advice and assistance from a qualified professional estate planning attorney for this important matter.

Consider speaking to an attorney if you:

1. Have a large estate or larger than the exemption allows for estate or inheritance tax
2. Are married
3. Have children
4. Have a blended family
5. Believe some of your relatives might try to contest your Will
6. Think someone might argue that you were not of sound mind when you signed your Will
7. Own part of a small business

A Will has to meet the requirements of state law. The language should be specific, unequivocal and accurate. Oftentimes, when Wills are created without the assistance of an estate planning attorney, there are issues later that could have been avoided. An attorney will use language that is understood by executors of Wills, officers of the court, and beneficiaries. Should you need any of these items clarified, it’s best to speak with an estate planning attorney to determine if additional planning may be needed.

What Exactly Is a Last Will and Testament?

A Last Will and Testament is the legal document by which you designate who is to receive your estate upon your death. Within the provisions of your Last Will and Testament, you nominate an executor or personal representative – either an individual or an institution – as responsible for the administration of your estate and the disposition of your property.

Clear and reasonable instructions are important for preventing possible legal challenges that could delay probate. After death, if probate of the Will is necessary, it is normally submitted to the probate court of the county in which the person who created the Will resided. Depending on the complexity of the estate and whether there are legal challenges to the Will, the probate process may be reasonably shortened or protracted.

The Basic Elements of a Last Will and Testament:

TESTATOR/TESTATRIX: The testator/testatrix is the individual who has made a Will.

EXECUTOR/EXECUTRIX: The executor/personal representative petitions the court to open the probate of the estate. After the executor identifies, values and inventories all estate assets, creditors will normally have a specified time period during which they may make claims against the estate. The executor reviews the claims and makes the decision whether to approve or deny a claim. Once all assets have been accounted for, creditor claims, tax issues, and any other estate issues have been addressed the executor/personal representative seeks a final order allowing the transfer of the remaining estate assets to the proper heirs, devisees and legatees.

DEVISEES & LEGATEES: The individuals and organizations named in the Last Will and Testament that receive assets upon the testator's death.

BEQUEST SECTION: The bequest section specifies who is to receive specific personal property under the Will. A specific bequest is a gift, item or asset that will be given to a named person or entity. An example of a specific bequest is providing your diamond ring for your daughter as a gift or distributing a specific amount of money for each of your grandchildren.

What Are the Requirements for a Will to Be Valid and Legally Binding?

Each state has its own list of requirements to ensure that your Will is legally binding. If these requirements aren't observed, then the document will not be valid and legally binding. You should seek advice and assistance from a qualified estate planning attorney to confirm that your Will is properly prepared and executed.

What Is the Difference Between a Living Will and a Last Will and Testament?

These two documents serve very different purposes:

1. **A LIVING WILL** states your wishes regarding life sustaining treatment, artificially administered food and water, and other end of life decisions. The document identifies the type of care you receive in the event you are unable to communicate your wishes.

2. **A LAST WILL AND TESTAMENT** is a legal document that provides instruction on what should happen to your estate assets in the event of your death. The document names who will serve as guardian(s) for your minor children and who will carry out the Will's provisions through the probate process in the event of your death.

What is the Probate Process?

The probate process is the court-supervised process of authenticating a Last Will and Testament. If there isn't a Will, then state law will designate how your estate will be distributed. During probate, the appointed executor/personal representative oversees the final distribution of the estate while addressing creditor claims.

How Often Should You Update Your Will?

Updating your Will can ensure that your estate isn't subjected to needless challenges and delays.

It is usually recommended that you update your Will after going through big changes in life, such as moving out of state, getting divorced, getting married, having or adopting a child, losing a loved one who is a named beneficiary, or changing your mind about beneficiaries and assets. Moving within state generally does not require an update to your Will.

Updates should also be made whenever there is a relevant change in the law, your finances or personal circumstances. For example, if you've made a promising investment or have reason to expect a significant success in your business, you may wish to consider an appropriate strategy.

Consider these nine categories as indicators you may decide to update your Will:

1. Getting married
2. Changes in the law
3. Impending good fortune
4. Financial setbacks
5. Change in committed relationships
6. Becoming a parent
7. Becoming a grandparent
8. Losing a spouse
9. Bad health



How to Make Changes to Your Will

Small changes to your Will can be made by creating a codicil, a secondary document attached to your original Will.

If you have decided to make substantive changes, it's often most efficient to create and execute a new Will. If you have a prior Will, you will want to seek advice and assistance from a qualified estate planning attorney to make sure the updates to your estate planning are done properly.

Who Has the Right to Contest My Will?

A Will can be contested for any number of reasons. Examples include lack of a proper witness, lack of sound mind when you signed it, a beneficiary feels slighted, an heir who has been omitted, or if there is any kind of legal fault with the document itself. The best defense is a clearly drafted, validly executed Will in unequivocal language created with the help of a qualified estate planning attorney.

Make sure you're legally covered during all of life's major events from Getting Married to End of Life.

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