We’ve all been there, searching for the one person we want to spend the rest of our life with. It’s not always easy finding love. Individuals will typically enter an average of 5 committed relationships prior to marriage, meaning a person will experience a minimum of 4 significant break ups in pursuit of the “one.” Breaking up is never easy, especially after you are already married. The average global divorce rate is 50%, indicating that the possibility of a break up isn’t eliminated once you’ve found “the one.” Financial stress, infidelity, and addictions are the top three cited reasons for divorce. Breakups are physically, mentally, and emotionally painful, resulting in stress, heartache, and grief. For professional athletes and other high earning individuals, the end of a relationship may result in legal and financial repercussions, including loss of money, material possessions, houses, investments, and pension plans. The process to determine division of shared assets can be financially and legally complex. Disputes over shared assets may become expensive court cases and could result in decisions that were not intended by the couple. Breaking up can be hard to do, and while you can’t always protect your heart, there ARE proactive measures you can take to protect your assets.

Please note that this document is not intended to be and should not be considered legal advice by the WTA or its employees, partners, and contractors. It is very important that you seek independent legal counsel from an expert in relationship or family law in the country where you live.

The best time to consider how you would manage the legal and financial challenges of a relationship breakup is BEFORE you get married or start living together. This applies whether you are in a same sex relationship (woman-woman) or a heterosexual (woman-man) relationship. Laws may greatly differ between countries, especially in the cases of same sex relationships or marriages. Below are some measures you can take to protect yourself.

“Don’t take your love away from me, don’t you leave my heart in misery, if you go then I’ll be blue, ‘cause breaking up in hard to do.” – Neil Sedaka (American Song Writer)

PROTECT YOURSELF CHECKLIST
Before you sign anything or enter a relationship agreement, it’s important to answer the following questions:

- Have you consulted an experienced independent attorney (i.e. a personal attorney, not shared with your partner)?
- Do you and your partner share debts? If so, will they be paid off before the legal separation is finalized?
- If the debts can’t be paid off now, are you protected if your partner fails to make payments?
- Have you considered: health insurance, life insurance, pension plan, and last Will and Testament?
- Have you also consulted with a financial-planning professional?
- Have you identified all marital property, including retirement plans?
- Do you know the present value for each of these assets, after taxes?
- What are your income needs?
- What about alimony and palimony? (definitions below)
- Do you understand all the documents you’re signing?

LIVING TOGETHER AGREEMENT
A breakup can be costly regardless of whether you’re married or not. If you choose to live with your romantic partner, you should first consider consulting an independent qualified attorney to assist with drafting a Living Together Agreement. This is a relatively simple contract for people who choose to live together, which clearly itemizes the duties and responsibilities in case the relationship ends.

Palimony means support payments made by one member of an unmarried couple to the other after separation. It is recognized in a number of countries, including the United States. It is based on a promise made by one person living with another person in a relationship which is effectively a marriage, without a formal marriage ceremony and associated paperwork. The promise is that one person will financially support, in whole or in part, the other person in the event of a relationship separation. The promise can be spoken (verbally agreed) or in writing. When the promise is not in writing, or if there is a is disagreement about the terms of the promise, it will become a he said/she said situation.

PRENUPTIAL (PRE-MARRIAGE) AGREEMENTS
Prenuptial Agreements are contracts entered into between two people who are married. This gives both parties clarity and peace of mind knowing their assess will be protected should the marriage end. Prenuptial Agreements are considered legal throughout the United States and in many countries worldwide. Prenuptial Agreements need to be
consistent with each person’s Last Will and Testament (a document which outlines what happens to a person’s financial and other assets after they die).

Prenuptial agreements usually consider:

- **Alimony**: financial assistance paid by one member of a couple to the other to assist them during or after separation or divorce. If not agreed upon in a prenuptial agreement, a court of law may decide to grant alimony as part of a legal separation or a divorce, or in the period when the separation is being finalized. In some situations, courts may not allow the parties to waive alimony entirely.
- **Property Division**: decision about who receives which residential and commercial properties and financial investments.
- **Legal Fees**: the clarification of who is responsible for paying lawyers’ fees in the event of a separation or divorce.
- **Investments, Life Insurance, and Health Insurance**: these may be included as part of the settlement.
- **Pension Plans**: In some countries a person’s pension or retirement assets and income may also be subject to division in the event of a divorce, and in such cases these items should be considered in the contract.

Prenuptial Agreements **do not** cover the issues of custody or child support. Nor do they cover shared pets or custody of pets. **A prenuptial agreement should be entered at least ONE WEEK before the marriage. Each person should have independent legal counsel and there should be full financial disclosure appended to the document.**

“If you do get married, get a prenup. It’s not about money at all. It’s about having a document that states how you’ll dissolve your marriage while you still have a shred of respect for each other.” -Alec Baldwin (Actor)

**POSTNUPIAL AGREEMENT**

So, what do you do if you’re already married, and did not enter into a prenuptial agreement? Couples in this situation should consider a **Postnuptial Agreement**, which is an agreement entered between two people who are currently married. Typically, these agreements attempt to resolve certain problems or disagreements between the spouses. Similar to a prenuptial agreement, the contract puts in writing what would happen if the marriage ends in divorce or separation. After signing the agreement, the couple remains married. Postnuptial agreements are not recognized in every country, including in some parts of the United States.

**Key clauses:** **It is very important that the following clauses be included in any of the above agreements:**

1. **Severability clause**: This states that if one part of the agreement is determined to be legally not valid or not applicable, then the rest of the agreement remains legally binding.
2. **Choice of law clause**: The agreement should clearly state what jurisdiction’s laws (i.e. country and state) applies to the contract, as laws differ from state to state and country to country. For example, if a person does not wish to pay palimony, the agreement needs to be governed by the law of a location in which palimony is not recognized. For the choice of law clause to be valid, one or both people in the relationship usually must have some legitimate connection to that location (i.e. their place of birth or have previously resided).

**ADDITIONAL RESOURCES**

Legal disputes are often a source of stress. Legal disputes caused by a relationship breakup are especially traumatic. The social readjustment impact scale (which measures the impact of stressful life events) rated divorce number 2, and death of a spouse as number 1. While it’s important to obtain solid independent legal advice in the event of a relationship breakup, you also must ensure that you consider your personal health and wellbeing. **Speak with a qualified professional or visit www.achievsolutions.net/tennis for more information regarding emotional, legal, and financial guidance in the event of a relationship breakup.**

Beacon Health, a complimentary resource for all WTA athletes, also provides legal and contractual information at https://www.clclegalforms.com/guide?eid=7B13B1A8

**RELATIONSHIPS AIN’T EASY AND BREAKING UP IS DIFFICULT. PROTECTING YOUR ASSETS WILL HELP YOU FEEL MORE SECURE ABOUT YOUR NEW INDEPENDENT FUTURE.**