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DIVISION 4. RIGHTS AND OBLIGATIONS DURING MARRIAGE [700 - 1620] *(Division 4 enacted by Stats. 1992, Ch. 162, Sec. 10.)*

PART 5. MARITAL AGREEMENTS [1500 - 1620] *(Part 5 enacted by Stats. 1992, Ch. 162, Sec. 10.)*

CHAPTER 2. Uniform Premarital Agreement Act [1600 - 1617] *(Chapter 2 enacted by Stats. 1992, Ch. 162, Sec. 10.)*

ARTICLE 2. Premarital Agreements [1610 - 1617] *(Article 2 enacted by Stats. 1992, Ch. 162, Sec. 10.)*

1612. (a) Parties to a premarital agreement may contract with respect to all of the following:

(1) The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located.

(2) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property.

(3) The disposition of property upon separation, marital dissolution, death, or the occurrence or nonoccurrence of any other event.

(4) The making of a will, trust, or other arrangement to carry out the provisions of the agreement.

(5) The ownership rights in and disposition of the death benefit from a life insurance policy.

(6) The choice of law governing the construction of the agreement.

(7) Any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

(b) The right of a child to support may not be adversely affected by a premarital agreement.

(c) Any provision in a premarital agreement regarding spousal support, including, but not limited to, a waiver of it, is not enforceable if the party against whom enforcement of the spousal support provision is sought was not represented by independent counsel at the time the agreement containing the provision was signed, or if the provision regarding spousal support is unconscionable at the time of enforcement. An otherwise unenforceable provision in a premarital agreement regarding spousal support may not become enforceable solely because the party against whom enforcement is sought was represented by independent counsel.

(Amended by Stats. 2001, Ch. 286, Sec. 1. Effective January 1, 2002.)