

1 AN ACT relating to postnuptial agreements.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO
4 READ AS FOLLOWS:

5 *A postnuptial agreement shall be void and unenforceable unless:*

6 *(1) It contains:*

7 *(a) The date on which the document was initially received by each party or his*
8 *or her independent legal counsel, acknowledged before a notary public by*
9 *both parties to the agreement; and*

10 *(b) Conspicuous statements of the following:*

11 *1. That the drafter of the document does not represent both parties to the*
12 *agreement;*

13 *2. That each party is advised to retain independent legal counsel;*

14 *3. That each party shall be afforded the opportunity to conduct an*
15 *independent assessment of financial information and valuation of*
16 *assets of the parties; and*

17 *4. That in the event of fraud, the agreement may be declared null and*
18 *void;*

19 *(2) It is executed by the parties to the agreement in the presence of each other before*
20 *a notary public and two (2) witnesses;*

21 *(3) It includes the signatures of the legal counsel of each party to the agreement if*
22 *counsel has been retained; and*

23 *(4) Sixty (60) days have elapsed between the date of initial receipt of the document*
24 *under subsection (1) of this section and the date of its execution under subsection*
25 *(2) of this section.*