***What is community property?***

* Idaho is a community property state. Property that either spouse acquires after marriage is presumed to be community property unless the parties by written agreement convey the property to one of them (e.g. deed that indicates one of the parties as single or unmarried). Then it is separate property. (I.C. § 32-906) Separate property is any property that a person acquired before marriage or that is devised (e.g. given through a will), given by descent (e.g. given through rights of inheritance of a deceased ancestor), or given to a person as a gift during marriage or that is acquired with proceeds of separate property. (I.C. § 32-903) The party that obtains separate property during marriage must keep it separate from the community if that party wishes to keep the property as his/her separate property.

***What is a prenuptial agreement?***

* It is an agreement that both the prospective husband and wife enter into before getting married. It is normally used to determine how property will be divided upon the event of divorce or death of the other party and to determine the characterization of income and property. Like other contracts in law, nothing in the agreement can violate public policy or criminal law. Child support cannot be addressed in the prenuptial agreement.