

When Older Couples Do Not Want To Tie The Knot

I wrote an article several months ago about recommended estate planning for second marriages, especially if one or more spouse has children from prior marriages. This month I want to discuss legal issues that should be addressed by couples



Joseph S. Karp, C.E.L.A.

who, despite their love and commitment to one another, do not want to tie the knot.

You probably know many couples like this. Their reasons for eschewing marriage run the gamut. Some do not want to lose pension or Social Security benefits from the former spouse. Some do not want to put themselves on the hook for their companion's future health or nursing home expenses. The couple may be concerned about their adult

Living together or not, you may want to have a Health Care Surrogate drafted that gives your partner the authority to make your health care decisions if you cannot, or at least gives the individual the right to obtain

medical information. Be aware that under Florida law, there cannot be co-agents under a health surrogate. That means that you cannot appoint your companion and children to serve simultaneously. You should discuss these plans with your adult children so they know what to expect.

As for your Durable Power of Attorney, giving your companion the right to serve as your agent and make your financial decisions, especially if you have

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children's negative reactions, or just want to maintain a degree of personal independence from one another.

In any event, committed couples who choose not to marry still need to take a look at their legal planning.

If you move into your significant other's home, you should make sure you have security. You don't want to find yourself tossed out of your home by your companion's adult children if he/she dies or becomes incapacitated. So before you start cohabitating, make plans. One possibility: have a family law attorney draft a binding agreement protecting you. Or, your partner can put the home in trust and give you a life estate. (Be aware though that a revocable trust can always be changed and thus is not a guarantee of security.)

adult children, can cause friction or even lawsuits down the line. These plans should be discussed carefully with your companion, your family and your estate planning attorney. When you meet with your lawyer, do not bring your significant other with you. You need privacy to speak and get advice.

Joseph S. Karp is a nationally certified and Florida Bar-certified elder law attorney (C.E.L.A.) specializing in the practice of Trusts, Estates and Elder Law.

His offices are located at 2500 Quantum Lakes Drive, Boynton Beach (561) 752-4550; 2875 PGA Blvd., Palm Beach Gardens (561) 625-1100; and 1100 SW St. Lucie W. Blvd., Port St. Lucie (772) 343-8411.

Toll-free from anywhere: 800-893-9911. E-mail: KLF@Karplaw.com or website www.karplaw.com.

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