

## Wedding Bells - Not!

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by Eileen Beal

Growing numbers of people over the age of 65 are deciding to cohabit, a nice way of saying they are living together as man and wife without actually tying the knot.

And, according to US Census data, this is a growing trend. In 1960, so few men and women over the age of 65 were living together (less than 1%) that they barely rated a mention in census documents. In 2000, almost 2.5% of single men and women over 65 said they were living together. And, notes an Ohio State University/OSU Extension report, that number probably errs on the low side: Today's seniors-born before or during the Depression-don't like to admit they are living together because of the stigma.

Sociologists point to three things that have set the stage for the living together trend:

- High divorce rates that created more "single" seniors and an aversion to marriage. "If they have been through the emotional and financial grinder once, they aren't going to want to do it [get married] again," says Henry Barlow, former director of the Gerontology Studies Program at Cleveland State University.
- High mobility rates that are clustering seniors in communities-often called naturally occurring retirement communities (NORCs)-where their ages, life experiences, and financial status are similar. "Where there are lots of retirees is where you are going to see the most cohabitation," explained Carol J. Whitlatch, a research associate working on geriatric mental health issues at Benjamin Rose. "And not just couples. Look at the women in the [television] show, *The Golden Girls*."
- Healthier aging and longer lives, especially for women. "When people think 'I'm going to live another 30 years,' they realize they don't want to spend them solo," says Whitlatch.

However, the bottom-line reason many seniors are choosing to live together rather than marry is that marriage is not a practical financial solution to their desire for love and companionship.

Financial practicality doesn't just mean putting one roof over two heads. Unmarried couples don't have to deal with taxes that penalize married couples, loss of military, company, or social security benefits. Nor do they have to deal with the loss of a deceased spouse's pension benefits, including in many cases health insurance plans that provide cost-is-no-object coverage; or loss of alimony.

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They don't have to worry about protecting assets for heirs, either. "Legally, they keep all their assets separate by remaining single and living together," says lawyer Rachel Kabb-Effron.

And they don't have to worry about incurring financial liability-that can ultimately drive a person into poverty-for a companion's medical expenses.

But the state of unwedded bliss has its drawbacks. Unmarried couples leave themselves wide open for fall-out from a relationship-gone-sour and a palimony battle. They also lose the right to be the legal next of kin in a crisis situation.

To prevent these worst-case scenarios from playing out, carefully crafted legal documents should be drawn up, said Kabb-Effron. The most important documents, she added, are a cohabitation agreement that communicates and clarifies both people's rights and responsibilities, a living will and a power of attorney for health care, a general power of attorney for financial matters, and a new will that includes the companion.

**For more information on the legal, financial, social, and ethical issues facing unmarried couples, consult:**

*Living Together: A legal Guide for Unmarried Couples*, Ralph Warner, esq.; Toni Ihara, esq.; and Frederick Hertz, esq.

*Unmarried to Each Other: The essential guide to living together as an unmarried couple*, Dorian Solot and Marshall Miller

Alternatives to Marriage Project - <http://www.unmarried.org>