

Benefits of Being Married

There are specific laws that courts use to help determine what happens when a marriage ends.



For example, the court will decide who will have custody of the children, who will pay child support, what visitation rights each spouse will have, and how property will be divided.

Everything bought by the couple during the marriage is considered “marital property.” When the marriage ends, all “marital property” is divided equally between the parties.

Paternity is automatic: The law considers all children born during a marriage to be fathered by the husband, unless shown otherwise.

When one spouse dies: When there is no will and one person to a marriage dies, the law provides that the spouse who is still living will get most of their spouse’s property.

Other benefits: Most married couples have the following benefits as well. None of these benefits are given to unmarried people who live together:

- 1) special advantages under Federal and State tax laws;
- 2) pension benefits;
- 3) workers’ compensation benefits; and
- 4) the right not to be forced to testify against one another in court.

Common Law Marriages

“Common law” marriages are marriages based upon the behavior of the parties. In some cases where people live together, but are not married, they still have all the legal rights of married persons.

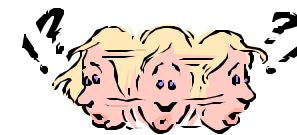


However, *only couples who began living together on or before October 10, 1991, can argue that they have a common law marriage.* Common law marriages are no longer recognized in Ohio

If you and the person you live with could answer “yes” to each of the following questions on or before October 10, 1991, you have a valid common law marriage and will have the rights that all married couples have.

- 1) Were you both over 18 and not currently married to another person?
- 2) Did you both agreed to be husband and wife?
- 3) Did you live together?
- 4) Have you lived in your community as if you were married?
- 5) Did the community you live in consider you a married couple?

If you established a valid common law marriage under the laws of another state and then moved to Ohio, courts in Ohio will recognize that marriage as valid even if you do not meet the requirements listed above.



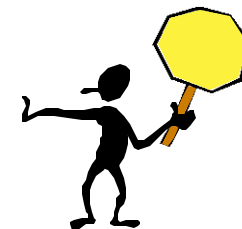
Rights of People Who Live Together But Are Not Married

People who live together without ever getting married have few legal rights in Ohio. The rights you do have include:

Protection Against Domestic Violence: If your live-in partner abuses you or threatens to abuse you, Ohio’s *domestic violence laws will protect you.*

If your partner is abusing you, he or she can be: arrested by the police or ordered by the court to stay away from you, your children, & your home.

*To have your abusive partner arrested, call the police during or immediately after an abusive incident. Make sure you call from a safe place.

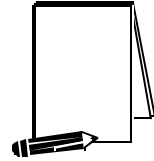


*To get a court order requiring your abusive partner to stay away from you, call you legal aid office or local domestic violence shelter as soon as possible. You can also go to the court nearest you and ask to get a copy of forms needed to apply for a civil protection order. Fill out the forms and file them with the court.

Child Support: If you and your live-in-partner have children in common and one of you takes the kids when you separate, the other parent is still required to pay child support, whether or not you are married. Contact your local Child Support Enforcement Agency and they will assist you in collecting this money.

How to Gain Rights Similar to Those of Married Couples

Doing some of the following things can help you control what happens when you break-up or one person gets ill or dies.



- 1) Create a **written “cohabitation agreement”** that describes:
 - property and debts that each of you had in your own name when you began living together;
 - who owns and manages what property;
 - who contributes support and income to the relationship and in what amounts;
 - money arrangements during the time you live together (who pays what debts, who pays for health and medical care, who pays for insurance);
- 2) Decide who will own what property. If you decide that you want to share all property bought during the relationship, put the **title of all property** (including land, houses, and cars) in both of your names.

- 3) If your live-in partner is not the biological parent of your children, you and your partner may make him/her the adoptive parent by getting a **legal adoption decree** for any minor children. (Without a legal adoption, your live-in-partner will not have any right to continue a relationship with any minor children.)
- 4) If your live-in-partner is the father of your children, have him sign an **acknowledgment of paternity** when the child is born or go to court to have him declared the father.
- 5) Write a **will** giving your property to your partner upon death.
- 6) Write a **durable power of attorney** for health care giving your partner the power to make decisions regarding your health care in case you get too sick to make those decisions for yourself.



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Rights of Cohabitants: People Who Live Together But are Not Married

How to Protect Yourself If the Relationship Ends

