

What You Should Do Before Moving in Together

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It's spring and love is in the air, but being in love these days isn't automatically followed by a walk down the aisle.

According to federal census data, the number of unmarried, opposite-sex couples in the United States was 6.4 million in 2007 (latest available data). This is a 14-fold increase from 1967. Moreover, when you add in the number of same-sex couples (594,000, according to the U.S. Census Bureau in 2000; undoubtedly, that number is much higher today), there is no question that living together without being married is becoming almost commonplace in America.

Still, before we women move in with someone else – man or woman – there are important things to know. And, because the issues surrounding unmarried couples are complex, it's wise to seek competent legal help before hiring the moving van. (If you are a gay or lesbian couple, you should seek information from local lesbian and gay business guilds or community organizations that can recommend a lawyer who is knowledgeable and qualified to advise you.)

Disclose and Evaluate

At the top of your list should be signing a cohabitation agreement. A cohabitation agreement is a written contract that can regulate your future relationship and allow you to retain control of your lives. Before you enter into such an agreement, however, you and your partner should disclose and evaluate any potential trouble spots, such as:

- **Finances.**

Do either of you owe child support or alimony past due, or is money owed for a business deal, or has there been a bankruptcy? It would be wise to review (or have some knowledgeable person review for you) the last five years of your partner's tax returns. And let him or her review yours. Bottom line: you and your partner should both give and receive full financial disclosure so there will be no surprises later.

In addition, it's crucial to discuss your expectations regarding financial matters before you move in together. How will your monthly expenses (rent or mortgage, utilities, insurance, debt payments, transportation expenses, food, household expenses, personal expenses, etc.) be apportioned? Do you expect financial support from the other partner? Will you waive sharing in the other partner's pension, retirement accounts, etc.?

- **Credit Issues.**

Exchanging credit reports can let you know if your lady or gentleman love has a credit problem. Remember that even though you might not incur a debt personally, if you sign to be jointly responsible on an account or bank note, you are just as responsible as your partner.

Worse yet, if the obligation is not paid, the creditor has the choice of going after you, your partner, or both of you.

- **Health issues.**

Are there any chronic health issues (diabetes, asthma, cancer) that your partner should be aware of? Even if both of you are healthy, a serious automobile accident or other unexpected turn of events can change things in an instant. This is why drafting a **healthcare power of attorney** is essential. If, for example, Mary and Joe are living together, and Mary is badly injured, Mary's parents or adult children or siblings would make health-care decisions for her – not Joe – unless the couple has drafted a healthcare power of attorney giving the other partner the power to make all medical decisions. Moreover, without a valid healthcare power of attorney, Joe might not even be able to *visit* Mary in the hospital or rehabilitation center.

Various cohabitation agreements can be downloaded from the Internet, but if you can afford it, it's better for both you and your partner to engage separate attorneys who can draft an agreement that will be enforceable where you live. That way, you can design and create your rights and obligations through written contracts that are well-thought-out, properly prepared, and tailored to meet your specific needs and intentions.

Other Documents

There are other essential documents that you should execute before you move in together, including:

- A **durable power of attorney**, so that if you become incapacitated, your partner will be able to take over the financial aspects of your lives immediately.
- A **will**, so that you can control what happens to your property at your death. Without a will, you forfeit your right to determine where your property goes when you die. This means that since you and your partner are not related by blood or marriage, he or she will receive nothing.
- If you are planning to purchase a home together, it would be useful to draft a **co-ownership agreement** to avoid potential pitfalls. Buying the house may be relatively easy, but disentangling yourselves from the home-buying agreement should your relationship terminate can be both difficult and expensive. A co-ownership agreement clearly defines your intentions: will you and your partner each pay half of the complete payment each month by the due date, for example? How will you pay the necessary maintenance expenses? What if you need to eventually rent out the property or bring in a boarder? With a co-ownership agreement, these and other issues can be agreed upon, as well as mechanisms to resolve any disputes.

So, there you have it. Moving in together isn't as easy as just packing up your clothes, furniture, DVDs, and iPods. Advance planning is crucial when two people live together without benefit of marriage – whether they are of the same or the opposite sex. Basic planning can save a lot of heartache for the both of you.