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## Till Death do us Part... Staying Together?

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- ⇒ Utilizing life insurance trusts can minimize federal estate taxes.
- ⇒ Couples should consider the need for life insurance to subsidize for future unfunded cash needs in case of early death of a spouse.
- ⇒ Revocable living trusts allow for individuals to title assets in a manner that allows control while living, and facilitates dispersing them according to the individual's wishes upon death. Living trusts are harder to contest than wills.
- ⇒ Because social security will not be available to the spouse of a disabled person, disability insurance should be considered.
- ⇒ Long term care insurance may be a wise consideration because it is uncertain how Medicaid (a federal program administered by the state) will treat same gender couples.
- ⇒ Retirement planning is essential for many reasons. Social security will not be available to a same gender surviving spouse. Inherited IRA's and retirement plans are also not afforded the same rollover and favorable distribution options.
- ⇒ For federal purposes, property transfers over \$13,000 between same gender spouses are subject to gift tax rules. Care must be taken when transferring or re-titling real estate.
- ⇒ Holding real estate as Joint Tenants with Rights of Survivorship (JTWROS) allows the property to pass to the joint owner automatically irrespective of the will.
- ⇒ Consider filing a homestead declaration for the home which protects the first \$500k of value on the principal residence.
- ⇒ Ensure all pertinent family financial information (bank accounts, life insurance policies, retirement account data, etc.) is centrally located with contact information (names, phone numbers, addresses).

*These are just some items that may arise in your marital status change. It is important to consult an attorney and tax advisor regarding these matters. Please do not hesitate to contact us with your questions.*