

Estate Planning for Unmarried Couples

About the Author

Michelle Shupe-Abbas is the firm's managing partner and focuses her practice on Estate Planning, Wills & Trusts, and Probate & Trust Administration and Litigation. She is a seasoned attorney, with significant legal experience and handles litigation and transactional matters for her clients.

About the Firm

At Shupe Dhawan, we offer a wide range of services in several practice areas in order to help our clients protect what is most important to them. Serving the residents of Broward County, Fort Lauderdale, Weston, and all of South Florida, our law firm provides high-quality, effective representation to those with legal needs related to any of the following:

- Estate Planning, Wills, Trusts
- Immigration
- Insurance
- Probate, Trust and Estate Administration and Litigation
- Real Estate

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Estate planning is not just for the elderly or married individuals who are wealthy. Everyone should have an estate plan in place, but it is especially important for a couple who is unmarried to create a plan as well. This is applicable for same-sex or opposite-sex unmarried couples.

What happens if I die without a Will?

The estate of a person who is unmarried will be administered by the court pursuant to the law of intestacy. Intestacy is the term used to mean that someone died without a will. Typically, the next of kin will be the person who inherits when there is no will, so unmarried couples who wish to plan for their partner must make sure to have a plan in place to ensure the partner is not inadvertently disinherited.

What can be done to protect my partner when I die?

1. Create a Will which names your partner as your beneficiary.
2. Create a Trust which holds title to all your assets that names your partner as your beneficiary.
3. Name your partner as beneficiary on all of your pensions, retirement accounts, IRAs annuities, and insurance policies.
4. Make sure that joint property is titled properly. There are special deeds and specific language that must be included in a deed for transferring real property, do not try to do this yourself with a form from online!

What else do I need to do to protect my partner and myself?

Estate planning is not just about planning for when you die, it's also planning for when you are living. If you are unable to care for yourself, you will need to have a Healthcare Surrogate named to make medical decisions on your behalf and a Living Will to state those medical wishes in advance. You will also need a Power of Attorney named that can manage your financial affairs. Otherwise, a guardianship will need to be opened and the court will select who manages your medical and financial matters for you.

What if my partner and I break-up later?

Just like married couples do prenuptial or postnuptial agreements, couples who live together should have an agreement as well, which is known as a cohabitation agreement. This will indicate what happens to assets if your relationship ends; it's simply an agreement for who gets what, and who is responsible for what in the case of joint debt.

Be sure to contact our office to schedule a consultation to begin your estate plan. It's never too late, and certainly never too early to make sure your affairs are in order.

At Shupe Dhawan, we make sure that we do an in-depth analysis and review of all your assets and healthcare wishes when developing your individualized estate plan. We are happy to answer questions and provide legal assistance. Contact us at 954-507-7220.

