



## **We are Married, Now What?**

### **Indianapolis Attorney Guides Same-Sex Couples Through the Details**

With the Supreme Court decision in June 2015 that made same-sex marriage lawful in all 50 states, more and more LGBT couples are getting married. And some couples married years ago, having traveled to other states and countries where they could legally wed. What does this new-found recognition mean?

Don't worry, be happy? Now that you are REALLY married, can you just sit back, and relax because everything is "automatic" now? Overnight, your legal status has undergone a major change, and you may not be aware of how these changes affect you, for better or worse.

Many people assume that their newly recognized marriage means that they no longer need all of those legal documents, like a will, a health care directive, or financial power of attorney, or that their taxes will be lower. However, your spouse could inherit as little as 50% of your estate if you don't have a will, and the bank, or the IRA or 401(k) custodian will not allow you to make transactions on your incapacitated spouse's account unless you have a power of attorney. And who will be guardian for your children if you have not named a guardian in a will? As the saying goes, "it's complicated . . . ."

Indianapolis attorney Barbara J. Baird has been addressing these issues for

same-sex couples in Indiana for decades. She can guide you through the steps that are still needed to protect your family.

## **What You Can Do**

Here are just a few actions you should consider now that your marriage is recognized:

- Retitle your home as Tenants by the Entireties, a form of real estate ownership available only to spouses, which provides greater protection against creditors and still provides survivorship rights to the property if one spouse dies.
- Update beneficiaries on retirement accounts to designate your wife or husband as your Spouse to assure tax-protected spousal rollovers or survivor benefits.
- Check with an accountant, or do the numbers yourself, to find out if your taxes will go up now that you are married (likely if your incomes are relatively equal).
- Call your auto and homeowner=s insurance agent to find out if your marital status affects your rates or coverage.
- Update your wills to acknowledge your marriage.
- If you are planning for retirement, talk with a legal or financial advisor about the many Social Security spousal retirement options.
- Consider a spousal IRA if one of you does not have a workplace retirement plan.
- If you had a co-habitation or domestic partnership agreement before you married, be aware that your marriage nullifies that agreement and contact your attorney.
- Seek advice about the effect of your marriage on any need-based benefits, such as student aid, Medicaid and SSI.
- Last, but not least, make sure your marriage is valid! For instance, an Illinois marriage is void under the Illinois “reverse evasion” statute if you traveled there to avoid Indiana’s same-sex marriage ban. Or, an undissovled civil union with a previous partner could allow the validity of your current marriage to be disputed.

## **Contact Indianapolis LGBT Family Law Attorney Barbara Baird Today**

Yes, marriage is more than just a piece of paper, as the LGBT community well knows. Marriage affects all areas of your life. Make an appointment today with LGBT family law attorney Barbara Baird to ensure you have taken all the appropriate steps to secure your new legal relationship. 317-426-9334.