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15 Benefits Of Marriage, Gay And Otherwise

Here are some of the top legal reasons to take the plunge.

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As a family and estate lawyer focusing on LGBT issues, I've been counseling people about their relationships for 20 years. I sued for the right to marry in Florida and, when nationwide marriage equality rolled around, I wrote a book ("Before I Do: A Legal Guide to Marriage, Gay & Otherwise") about tying the knot, including plenty of cautionary advice for a community new to the institution. The book has been doing great (the publisher says we're in our second printing!) but if there is one question that I get asked constantly, it's "What are the benefits of marriage?"

In honor of my 15th anniversary with my beloved, and our four-year wedding anniversary, rather than warnings about the potential negative consequences of getting hitched, I will focus on 15 top legal benefits of marriage. Yes, there are many more psychological, emotional, romantic, even health benefits to marriage, but my focus here is strictly the legal/financial nuts and bolts. Of course, all of this is the same whether you are gay or not, and my book is for all couples.

Here comes the lawyerly caveat: Some of this varies by state and your circumstances. Prenuptial agreements and estate plans can modify many of the point below. Also, this format is by nature super brief. Grab the book for more detailed information and connect with local lawyers, tax professionals and financial advisors to give you specific advice.

There are some 1500 federal and state rights and responsibilities that come with marriage. Here are 15 of the top reasons to take the plunge:

1. Half of the marital assets upon divorce
2. Automatic right to inherit from your spouse
3. Ownership of property as tenants by the entireties, which is only available to married couples (and not in every state), and provides greater protection from creditors and one another
4. Immigration benefits for your fiancé or spouse
5. Social security benefits from your spouse (or ex-spouse)
6. Family medical leave benefits, if your spouse gets sick
7. Filing joint federal income taxes (beware that this can also be a major DISadvantage of marriage as, depending on your respective incomes, there are marriage penalties or bonuses)
8. Benefiting from the legal presumption that children born into the marriage are legal children of both parents (though it is strongly recommended to button up parental rights with an adoption or parentage judgment)
9. Providing health insurance to an employee's spouse without it being taxable income to employee
10. Transferring property at divorce without it being subject to transfer tax and providing alimony/spousal support deductible by the payor and includible as income to the payee
11. Transferring wealth in life or at death without incurring gift or estate tax
12. Having standing to sue for wrongful death, loss of consortium, and other claims that can only be brought by a surviving or injured spouse
13. Deferring income taxes on an inherited IRA or other qualified retirement plan, delaying having to take the Required Minimum Distribution and benefiting from hardship withdrawals
14. Joint bankruptcy protection
15. Wealthy individuals having many more estate planning options such as gift splitting, QTIP, QDOT, credit shelter or A/B trusts

It was hard to pick just 15 benefits so stay tuned for future columns where I'll hit on more marital bonuses such as military benefits and hospital visitation. Meanwhile, marriage equality should remain the law of the land through the Trumpocalypse, so there's no reason to rush in before weighing all the pros and cons and how they apply to you and your partner specifically.