

## **Rights conferred by marriage**

FairTalk ([www.FairTalk.org](http://www.FairTalk.org))

### Tax Benefits

- Filing joint income tax returns with the IRS and state taxing authorities.
- Creating a "family partnership" under federal tax laws, which allows you to divide business income among family members.

### Estate Planning Benefits

- Inheriting a share of your spouse's estate.
- Receiving an exemption from both estate taxes and gift taxes for all property you give or leave to your spouse.
- Creating life estate trusts that are restricted to married couples, including QTIP trusts, QDOT trusts, and marital deduction trusts.
- Obtaining priority if a conservator needs to be appointed for your spouse -- that is, someone to make financial and/or medical decisions on your spouse's behalf.

### Government Benefits

- Receiving Social Security, Medicare, and disability benefits for spouses.
- Receiving veterans' and military benefits for spouses, such as those for education, medical care, or special loans.
- Receiving public assistance benefits.

### Employment Benefits

- Obtaining insurance benefits through a spouse's employer.
- Taking family leave to care for your spouse during an illness.
- Receiving wages, workers' compensation, and retirement plan benefits for a deceased spouse.
- Taking bereavement leave if your spouse or one of your spouse's close relatives dies.

### Medical Benefits

- Visiting your spouse in a hospital intensive care unit or during restricted visiting hours in other parts of a medical facility.
- Making medical decisions for your spouse if he or she becomes incapacitated and unable to express wishes for treatment.

### Death Benefits

- Consenting to after-death examinations and procedures.
- Making burial or other final arrangements.

### Family Benefits

- Filing for stepparent or joint adoption.
- Applying for joint foster care rights.
- Receiving equitable division of property if you divorce.
- Receiving spousal or child support, child custody, and visitation if you divorce.

### Housing Benefits

- Living in neighborhoods zoned for "families only."
- Automatically renewing leases signed by your spouse.

### Consumer Benefits

- Receiving family rates for health, homeowners', auto, and other types of insurance.
- Receiving tuition discounts and permission to use school facilities.
- Other consumer discounts and incentives offered only to married couples or families.

### Other Legal Benefits and Protections

- Suing a third person for wrongful death of your spouse and loss of consortium (loss of intimacy).
- Suing a third person for offenses that interfere with the success of your marriage, such as alienation of affection and criminal conversation (these laws are available in only a few states).
- Claiming the marital communications privilege, which means a court can't force you to disclose the contents of confidential communications between you and your spouse during your marriage.
- Receiving crime victims' recovery benefits if your spouse is the victim of a crime.
- Obtaining immigration and residency benefits for noncitizen spouse.
- Visiting rights in jails and other places where visitors are restricted to immediate family.

(From NOLO)