

MELVILLE

Want To Live Together? Get Married

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Attorney Russell I. Marnell of Melville says that a recent study released by the National Marriage Project shows a rapid rise in cohabitation as the divorce rate falls. According to Marnell, the breakup rate of cohabitating couples is considerably higher than that of married couples. In light of this, he suggests that couples keep in mind the legal protections provided by marriage and divorce laws. If, however, a couple makes the decision not to get married, Marnell advocates for some type of written agreement as to what will happen to joint property in the event of a breakup.

Marnell, who specializes in matrimonial, divorce, and other family law matters, says that he has seen an increase in the cohabitation rate of couples between the ages of

25 to 34 in his practice.

"Young people seem to have gone on a different path from their elders. There are an increasing number of couples living together without the benefits of marriage," he said. "This is a cause for concern for people living together, especially those who acquire property together. Joint property can create all sorts of problems if people wind up splitting up and people can wind up getting hurt financially." Marnell adds that he generally sees problems with people who have been cohabitating for over 10 years and have acquired property together.



Photo Courtesy Public Relations and Marketing Group

Russell I. Marnell says that unmarried couples who live together should agree as to who will get what in case of a breakup.

According to the National Marriage Project Study, while the divorce rate has fallen, from a high of 22 in 1,000 women in 1980 to 18 in 1,000 in 2004, the rate of marriage has fallen from 77 out of 1,000 single women to 40 per 1,000. The difference has been made up by the number of cohabitating couples, which is estimated to have gone up from 439,000 in 1960 to about 10 million in 2000. The breakup rate of cohabitating couples is considerably higher than divorce rates.

Pointing to these statistics, Marnell reiterates that "only married couples have the protections of New York

State's divorce laws, including equitable distribution of assets and the potential for obtaining maintenance to allow for one spouse to receive temporary or permanent benefits to make up for differences in earning potential. While children are protected and anyone can seek child support in Family Court, maintenance will not be available and any distribution of property of a cohabitating couple would have to be adjudicated under contract law, where the presumption will be with the titled spouse as compared to the presumption being marital property in the case of a marriage."

Marnell says that in 20 years of practice he has represented an increasing number of clients who cohabitated and had children without being married thus creating major complications when the couple splits up. Marnell says that these situations can have an extremely adverse impact on children.