

THE DOLLARS and CENTS OF MARRYING AFTER 60

by Danielle Dresden

Cupid does not practice age discrimination. His darts can strike at any age and prompt thoughts of matrimony, whether you're in your 20s or 60s.

However, wedding to-do lists will change. Younger couples might meet with a wedding planner, caterer, or florist, but older couples should consult an elder law attorney, estate planner, and financial adviser.

While love might or might not be better the second (or third or fourth) time around, it is different. The differences are a matter of more and less.

Late-life couples tend to have more assets, including houses, cars, investments, and savings. Older couples also usually have more responsibilities to others, including ex-spouses and children.

What they typically have less of is time. Older couples should not delay planning, even though they are likely to live longer than their parents and grandparents.

According to author and journalist Maggie Scarf, average life expectancy increased by 30 years during the 20th century. "This has created a new phase of adulthood," she says. "And it's unfamiliar territory."

As people live and stay healthier longer, they place greater emphasis on higher-order needs and desires. Combined with high divorce rates, this means more people "of a certain age" are looking for love, and finding it.

What to think about

While early-life couples build their lives together, late-life couples merge lives already under way, including finances, personal responsibilities, retirement, and healthcare issues.

If you're older than 50 and thinking about matrimony, experts recommend discussing your wishes with your future mate and putting them in writing, preferably with professional help. Address:

- Individual assets you're bringing to the marriage and how to distribute them
- Individual debt, and how to handle it
- Whether you want individual bank accounts, a joint account, or all three
- Your retirement preferences and resources
- Planning for your age-related health concerns

The many forms and documents you'll need to update include:

- IRAs
- 401(k) plans
- Pension plans
- Life insurance
- Annuities
- Power of attorney
- Healthcare power of attorney
- Property titles
- Social Security
- Tax-filing status
- Wills

Prenups: not for movie stars only

Gregory French, president of the National Academy of Elder Law Attorneys and a practicing elder law attorney in Cincinnati, Ohio, recommends prenuptial agreements for late-life couples. "There are a lot of issues among late-life marriages, estate planning being one of them, especially when there are children from both marriages," he says.

When parents from such unions pass away, conflict can develop among surviving children regarding who gets whose assets. For example, French says, one late-life marriage partner had five children, while the other had only one. Should the marriage assets be distributed 50/50 with children inheriting strictly from their birth parents, or shared equally among all six?

"Both sides will argue until they're blue in the face," French says. "Parents have the opportunity to prevent that and remove a potential source of conflict."

"A prenuptial agreement will eliminate a lot of stress on the assets at the back end," French explains. "These are all questions that will be addressed eventually, and it's much easier to do it at the front end."

QTIPs, or qualified terminable interest property trusts, can be used to provide for a surviving spouse, but not for her or his children. A QTIP lets you

give your assets to a trust, which makes distributions to your designated beneficiary for the rest of his or her life, and transfers the assets to another person or institution after the beneficiary's death.

The long-term health outlook

For older couples, the vows of "in sickness and in health" and "til death to us part" are hardly academic.

Late-life couples understand that one or both of them might need extensive healthcare, such as a nursing home, in the not-distant future. With a year in a nursing home typically costing \$50,000, according to the AARP, financing care through personal assets, long-term care insurance, or Medicaid is a significant issue for older couples.

"Long-term care insurance is a good way to protect assets, but whether or not you get it depends on your health at the time you apply," French says. As the age and health problems of an applicant go up, so does the cost, which puts it out of reach for many.

Medicaid can cover the difference between an individual's resources and care costs, but not until after many of these resources are gone, which is why you might want to separate your assets with a prenuptial agreement.

However, French says, "Medicaid looks at the assets of both. It won't look at a prenuptial agreement unless a court is enforcing that." To stand up in court, a prenuptial agreement must be worded in a very specific way by an experienced attorney, and address long-term care from both perspectives, he explained.

The cohabiting option

Today, more late-life couples choose living together over marriage. "The number of cohabiting older adults has almost tripled in the past 10 years," according to Susan Brown, professor of sociology at Bowling Green State University in Ohio and co-director of its National Center for Family and Marriage Research.

Older adults cohabit for different reasons than young couples, Brown says. "Among them are being able to avoid the entanglements of legal marriage, protecting assets to hand down to the next generation, and maintaining their eligibility for their former spouse's Social Security," she notes.

But French cautions, "Cohabiting is a way of avoiding some issues, while creating others, such as no Social Security rights, no legal rights, and no decision-making authority."

These issues eventually could prompt a new increase in late-life marriages. As more states recognize same-sex marriage, more gay and lesbian couples might wed. "They would be in a position to do so," Brown says, "being in stable unions and interested in the benefits of legal marriage, including making health decisions and access to Social Security and pensions."

"The decisions are the couple's to make," French says. Even with the differences between late-and early-life marriages, there is one similarity: Clear communication about what each individual wants and needs from the relationship is what makes a marriage work.

After all, Cupid doesn't discriminate.

Published May 27, 2013

