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Estate Planning for Unmarried Couples in Pennsylvania

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More couples than ever are choosing to build lives together without getting married. While this decision may make sense for many personal and financial reasons, it also creates unique legal challenges, especially when it comes to estate planning. In Pennsylvania, the law does not provide unmarried couples with the same automatic protections that legally married spouses receive. Without proper planning, a surviving partner may face serious financial and legal uncertainty.

Why Estate Planning Is Critical for Unmarried Couples

For married couples, many rights are built into the law, including inheritance rights, medical decision?making authority, and spousal protections under long?term care rules. Unmarried couples do not receive these protections automatically, no matter how long they have been together or how intertwined their finances may be.

Estate planning allows unmarried partners to clearly define their wishes, protect one another financially, and ensure their relationship is legally recognized in moments of crisis. Without proper planning, decisions about property and real estate, finances and bank accounts, and healthcare may be left to biological relatives rather than the partner who knows them best.

What Happens if an Unmarried Partner Dies Without a Will in Pennsylvania

If someone dies without a Will in Pennsylvania, their estate is distributed according to the state's intestacy laws. These laws prioritize spouses and blood relatives such as children, parents, and siblings. Unmarried partners are not included, regardless of how long the relationship has existed.

This means a surviving partner could be completely disinherited if there is no valid Will or estate plan in place. Even jointly shared assets or long?established arrangements may be subject to probate disputes, leaving the surviving partner unprotected and financially vulnerable.

Essential Estate Planning Documents for Unmarried Couples

A last Will and testament is one of the most important tools for unmarried couples. A properly drafted Will allows each partner to name the other as a beneficiary and specify how assets should be distributed. Without it, the surviving partner may receive nothing.

Powers of attorney are equally critical. A financial power of attorney allows a partner to manage financial matters if one person becomes incapacitated, while a healthcare power of attorney and living will ensure a partner can make medical decisions and communicate end?of?life wishes. Without these documents, hospitals and financial institutions may defer to legal family members instead.

In some cases, trusts may provide added protection, particularly for asset management, privacy, and tax planning. An experienced estate planning attorney can determine which documents best align with the couple's goals.

Protecting Your Partner's Right to Stay in the Home

How a home (or other real estate) is titled plays a major role in what happens after one partner dies. If the home is owned solely by one partner, the surviving partner may have no legal right to remain in the property unless specific planning steps are taken.

Joint ownership options or trust planning may help ensure the surviving partner can stay in the home without facing eviction, probate delays, or claims from family members. Proper planning is especially important when the home represents the couple's primary asset.

Long-Term Care and Medicaid Planning for Unmarried Couples

Unlike married spouses, unmarried partners are not protected by spousal impoverishment rules under Medicaid. This means one partner's need for long?term care could financially devastate the other if proper planning is not in place.

With advance planning, strategies such as asset protection trusts, carefully structured ownership, and Medicaid?compliant planning tools may help preserve financial stability while still qualifying for needed care. Timing matters greatly, as mistakes can trigger penalties or loss of benefits. An elder law attorney can help unmarried couples plan proactively, rather than reacting during a health crisis.

Pennsylvania Inheritance Tax Rules for Unmarried Partners

Pennsylvania imposes an inheritance tax on most assets transferred at death, and the rate depends on the relationship to the deceased. Unlike spouses, who pay no inheritance tax, unmarried partners are taxed at the highest rate, currently 15%.

Without planning, this tax burden can significantly reduce the assets passed to a surviving partner. Strategic estate planning may help minimize inheritance taxes and preserve more of the estate for the people who matter most.

Planning for Blended Families and Adult Children

Unmarried couples often face additional complexity when one or both partners have children from previous relationships. Without clear instructions, conflicts may arise between surviving partners and adult children over inheritance, housing, and financial control.

Carefully drafted and up-to-date Wills, trusts, and beneficiary designations can balance the needs of a surviving partner while still providing for children. Trusts are particularly useful in preventing disputes and ensuring assets are distributed according to the individual's wishes rather than default state law.

Common Estate Planning Mistakes Unmarried Couples Should Avoid

One of the most common mistakes is assuming long?term relationships automatically create legal rights. Unfortunately, without formal documents, this is not the case in Pennsylvania. Another frequent error is relying solely on beneficiary designations without considering how assets work together as a full estate plan.

Failing to update documents for one's current circumstances, ignoring tax implications, or delaying planning until a health crisis occurs can also create costly and irreversible problems.

How an Estate Planning Attorney Can Help Unmarried Couples Protect Their Future

Estate planning for unmarried couples requires careful, customized legal guidance. At Knox Law, we help Pennsylvania couples protect their assets, safeguard healthcare decisions, and plan for long?term care with confidence and clarity.

If you and your partner want peace of mind and legal protection for the future, we encourage you to schedule a consultation with an experienced estate planning attorney at Knox Law. Contact us today to begin building an estate plan that reflects your life, your relationship, and your priorities.

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