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ADVICE TO NEWLY MARRIEDS

If you were married recently, or the wedding bells will be ringing soon, you probably have had a lot of friendly and helpful advice on the subject of matrimony from your families, your pastor, and your physician. If you haven't talked to your family lawyer, do that too. If you don't have a lawyer, now is a good time to select one. A little advice from a competent attorney on the many legal questions and transactions that come up in married life can save you a great deal of time, trouble and money later on.

Not only are new personal responsibilities imposed by marriage, but the law imposes certain legal responsibilities as well. A marriage is a legal contract.

DUTY TO SUPPORT YOUR FAMILY

Illinois law recognized the obligation of both husband and wife to support the other and their children. Failure to do so may be a crime punishable by imprisonment for up to one year.

Both husband and wife are personally liable to pay for certain types of family expenses even if they did not both agree to the particular expense. Whether a non-consenting spouse is liable for a particular debt can be a difficult question requiring the assistance of a lawyer, but both parties usually are jointly obligated to pay for medical, educational, food or housing expenses for family members.

In general, a parent's obligation for the support of a child ends when the child becomes an adult or, in legal terminology, becomes "emancipated". Emancipation usually means reaching the age of 18, getting married, joining the armed services, etc. There are exceptions which usually become important only if the parties' marriage ends.

CHANGE YOUR BENEFICIARIES

One of the first things a newly married couple should do is to make appropriate changes in all insurance policies, stocks, bonds and securities. Members of your family are probably named as beneficiaries or joint owners on many of these documents. You will no doubt wish to make your spouse the new beneficiary or joint owner. These changes can be made by taking insurance policies to your insurance company or agency, and government bonds or securities to your bank. Newly married persons should advise their employers of their new status so that they will receive any employment benefits due them as married persons. Many companies offer "fringe benefits" which are of special interest to married employees.

CHANGING YOUR NAME ON DOCUMENTS

Although a bride is not required by law to change her name, if she decides to do so she should apply to the Secretary of State for a revised or "corrected" driver's license which will show her new name and any change of address. A bridegroom also should apply for a revised driver's license if there is a change in his address. The nearest Social Security Office should be notified so it can issue a new Social Security card in which the bride's married name will be substituted for her maiden name. Both the bride and groom should notify their voters' registration office of any changes in name or address.

YOU DO NEED A WILL

Contact your family lawyer as soon as possible to have a Will drafted for the disposition of your property in case of death. If children arrive on the scene, there will be even more reason to have a Will. There are two important reasons for making a Will of your own.

First, Illinois law provides that if you die without a Will, one portion of your estate to your spouse and the remaining portions to your children or other descendants. The surviving spouse or some other person would have to be appointed guardian of the estate of minor children. The guardian must be bonded by the state. The cost of the bond depends on the amount of the estate.

By having a Will drawn by your lawyer, you decide how your property is to be distributed, not the state.

Second, if husband and wife should die simultaneously, guardianship of your children must be designated. You may designate a guardian in your Will. Otherwise, the Court must select a guardian.

In their new family roles, both the husband and the wife will want to provide as much security and protection as possible for their children, as well as provide for the other contingencies should one spouse precede the other in death. The drafting of a Will is an important step in making this security a reality.

RENTING OR BUYING A HOME

If you rent a house or apartment, you will probably be expected to sign a written lease, setting forth rates for rental, the term of the lease, and the conditions of renewal.

When you lease property the law imposes certain duties, liabilities and obligations. You may find it to your advantage to have your lawyer draft a written lease rather than rely on an oral agreement. If you rent a farm or commercial building, you need a written lease to protect your livelihood.

If you are like most couples, you look forward to buying a home of your own. The purchase of a house represents a large investment and involves many questions of a legal nature. You will want the advice of a lawyer. He or she will answer such questions as: What is the legal status of the property? Is the title "merchantable" so it can be sold again? Should you have a title abstract or will title insurance protect you?

It is also in your best interest, because of the legal technicalities involved, to have a lawyer represent you at the closing transaction by which the seller conveys the property to you.

OWNERSHIP OF ASSETS

The law in Illinois treats a marriage in some respects like a business partnership. Unless there is a valid contract to the contrary, any earnings or assets acquired by either party during the marriage are considered assets of the marriage partnership, and, in the unfortunate event of a divorce, will be equitably divided between the parties no matter in whose name the title is held (or who "owns" the asset). "Equitable" does not necessarily mean "equally." There are narrow exceptions for some property received by gift or inheritance.

These rules are rather complicated and technical and of no importance unless there is a divorce. In the absence of a divorce proceeding it is not required that both parties sign all document conveying, mortgaging, or otherwise dealing with property owned solely by the other.

BEFORE YOU SIGN ON THE DOTTED LINE

Unless you are renting furnished accommodations, furniture and appliances are probably a major concern. If you decide to buy these things "on time," be careful not to overextend yourself. Know what you are signing before you sign and be certain you can afford the payments. A "dollar down and a dollar a week" may be more than your living expenses and other financial obligations will allow.

A good credit rating is a valuable asset. It will help you in obtaining employment, in borrowing money in an emergency, and establishing credit accounts at stores. A poor credit rating, on the other hand, may seriously affect your ability to obtain financing to buy a house or a car, or may jeopardize your job or your ability to obtain employment.

KEEPING RECORDS

Keep records of your financial affairs. This is especially important since the U.S. Internal Revenue Service will wish to review any income tax return about which it may have a question. Save your receipts and cancelled checks. If possible, pay all of your obligations by check. Cancelled checks constitute legal proof of expenditures. If you do not have a checking account, ask for receipts on items that are tax deductible for income tax purposes.

Keep a file of your records safely stored in your home. If possible, rent a safety deposit box at your bank to keep your valuable documents - insurance policies, deeds, mortgages, marriage certificate, birth certificates, bond and stock certificates, and important contracts.

SELECTING A FAMILY LAWYER

If you do not know a lawyer personally, selection of lawyer can be made through a lawyer referral service. Such referral services are maintained by local bar associations and by the Illinois State Bar Association.

Do not accept "curbstone opinions" on legal matters from those not trained in law. Normally, lawyers admitted to practice law in Illinois have had at least four years of college and three years of law school. They are required to pass a rigorous bar examination before being permitted to start practice.

Choose your attorney for his or her skill, reputation in the community, and integrity. Depend on your attorney and let him or her serve you and protect your interests. Just as your doctor is the only competent advisor on matters regarding your physical well-being, your lawyer is the only professionally trained person qualified to advise you on legal matters.

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