

Estate Planning Essentials for Maryland's Unmarried Couples

July 9, 2026

By Lee Carpenter



A shared home, shared finances, and years of mutual commitment may look indistinguishable from a legal marriage. In the eyes of the law, however, the differences can become apparent at exactly the moment when legal protections matter most.

For more than a decade, marriage equality has been the law nationwide. Many couples, including those in the LGBTQ+ community, have taken advantage of the legal and financial benefits that marriage provides.

Still, a significant number of couples, both gay and straight, remain happily partnered but legally unmarried. Some feel their relationships are too new; others prefer to avoid the legal and financial entanglements of marriage. For some, family dynamics, prior marriages, or personal beliefs play a role.

Whatever the reason, unmarried couples do not receive the automatic legal, financial, and estate-planning protections granted to married spouses. But thoughtful planning can close much of that gap. While a set of legal documents cannot fully replicate the benefits of marriage, it can provide essential safeguards, especially in times of crisis. This planning is especially important for blended families, where one or both partners may wish to provide for both a surviving partner and children from a prior relationship.

Six Key Steps to Consider

Register as Domestic Partners

Maryland law now allows unmarried couples to register as domestic partners with the Register of Wills. Registration can provide important legal protections that were previously unavailable to couples who chose not to tie the knot.

One of the most significant benefits arises at death. If a registered domestic partner dies without a will, the surviving partner is entitled to inherit a share of the decedent's estate under Maryland's intestacy laws, similar to the rights of a surviving spouse. A registered domestic partner also has priority to serve as personal representative (executor) of the deceased partner's estate.

Registration provides substantial tax savings. Property left to a surviving domestic partner is exempt from Maryland's 10% inheritance tax. This is true whether the transfer occurs under a will or trust, or through a beneficiary designation on a retirement account or "transfer on death" provision on a bank account. For couples with significant assets, this exemption alone can save thousands of dollars in taxes.

Registration is available to both same-sex and opposite-sex couples and is a relatively simple process. By registering, unmarried couples can obtain many of the protections traditionally associated with marriage, including inheritance rights, exemption from Maryland inheritance tax, and greater legal recognition of their family relationships. Registration is not,

however, a substitute for estate planning. Couples who register should still have wills, powers of attorney, and advance medical directives in place.

Prepare Wills for Both Partners

Having wills is essential for unmarried couples. Without them, state intestacy laws will apply, and those laws do not recognize unmarried partners unless they have registered under Maryland law. This means your partner could receive nothing from your estate and would have no priority to serve as your personal representative.

Beyond providing for a surviving partner, a will is especially important for couples with children. A will can nominate guardians for minor children, create trusts to protect a child's inheritance, and name trustees to manage assets until children are mature enough to handle them responsibly. Without these provisions, important decisions about the care of your children and management of their inheritance may be left to the courts.

A properly drafted will ensures that your partner inherits according to your wishes, can serve as your personal representative if you choose, and can administer your estate efficiently. A professionally drafted and executed will is one of the most important protections you and your partner can put in place.

Consider How Assets Are Titled

For unmarried couples, the way assets are titled can be just as important as having a will. Certain forms of joint ownership allow property to pass automatically to the surviving partner without probate.

For example, a home owned as joint tenants with right of survivorship will generally pass directly to the surviving owner upon the death of the first partner. Likewise, joint bank accounts may allow the surviving partner immediate access to funds needed to pay household expenses and other bills.

Proper asset titling can simplify estate administration, reduce delays, and provide financial security for the surviving partner during a difficult time. However, adding a partner as a joint owner is not always the right solution. In some cases, joint ownership may expose assets to a partner's creditors, create unintended tax consequences, or conflict with other estate-planning goals.

Before changing title to real estate, financial accounts, or other assets, couples should consult an estate-planning attorney to ensure that ownership arrangements are consistent with their overall estate plan and financial objectives.

Review and Update Beneficiary Designations

Certain assets, such as life insurance policies, retirement accounts, and pay-on-death bank accounts, pass outside of your will. Instead, they transfer directly to the beneficiary designated on the account or policy, regardless of what your will may say.

It is critical to review these designations periodically to ensure that they reflect your current intentions. Outdated beneficiary forms are one of the most common estate-planning mistakes and can easily undermine even a well-drafted will.

Execute Durable Powers of Attorney

If one partner becomes incapacitated, the other has no automatic authority to manage financial affairs. A durable power of attorney allows you to grant your partner legal authority to access financial accounts, pay bills, manage investments, handle real estate transactions, and communicate with tax authorities or government agencies.

Without this document, your partner may be forced to pursue guardianship, a costly and time-consuming court process.

Prepare Advance Medical Directives

An advance directive enables you to appoint your partner as your health care agent in case you are ever unable to make medical decisions for yourself. This document authorizes your partner to speak with your doctors, review your medical records, and make decisions on your behalf. It also enables you to name backup decision-makers and to express your

wishes regarding end-of-life care.

A properly executed advance directive may be recognized in other states, making it especially important for couples who travel or relocate.

Protect the Life You've Built Together

In most cases, unmarried couples should have six key protections in place: domestic partnership registration (when appropriate), wills, proper asset titling, updated beneficiary designations, durable powers of attorney, and advance medical directives.

Even couples who plan to marry in the future should consider putting these protections in place now. Legal uncertainty can arise at any time, and having these documents prepared helps ensure that both partners are protected in the interim. After marriage, the documents can be reviewed and updated to reflect the couple's new legal status and expanded rights.

Whether you choose marriage or a lifelong partnership, protecting the life you have built together requires intentional planning. Consult with an experienced estate-planning attorney to help protect your relationship and your assets for the future.