

- ▽ Home Sweet Home .....3
- ▽ Choosing a Therapist .....5
- ▽ Advice From Yo' Granny .....6
- ▽ Vacation Spotlight .....7
- ▽ Out in the Garden .....8
- ▽ Right to Wed .....11
- ▽ Outlaws .....13
- ▽ Coupling in the 90's .....15

A GAY & LESBIAN NEWSLETTER ON COUPLING

# COUPLES

ISSN 1054-0296

March/April 1992

## Announcement...

Don't say good-bye...  
Say hello!

This is the final issue of *Couples Newsletter*. Henceforth, *Couples* subscribers will be served by *Partners Magazine for Gay and Lesbian Couples*. Founded as a newsletter in 1986, *Partners* recently became a quarterly magazine.

We are working closely with its publishers Stevie Bryant and Demian, Ed.D., to ensure a smooth transition. We've enjoyed serving you during the past year and we are confident that our subscribers will be pleased with *Partners Magazine*. It is an excellent publication which shares our goals of serving the gay and lesbian couples community.

We are proud to have *Partners* continue in our footsteps. We know the publisher's superb talents and editorial abilities will provide you with years of insight, pleasure and excitement! Once again, thank you very much for your support and confidence. We know you will be well served by *Partners*. ▼

## Meticulous to a Fault

by John Alan Cohan  
Attorney at Law

Donald Sanders, a San Francisco AIDS patient who recently died, was meticulous to a fault. Recognizing the importance of formulating his Last Will and Testament, he carefully drafted and typed out a detailed two-page will that specifically disinherited two brothers who had renounced him many years ago. The will left most of Mr. Sanders' \$1 million estate to his lover, and there were a number of other sizable gifts spelled out. He told friends about the will and were it was kept.

There was only one problem. The will did not comply with certain technical requirements under California law and for all practical purposes is null and void. When a person dies with a will that is invalid for any reason the result is the same as dying without any will ("intestate"). The decedent's estate goes to the next of kin in accordance with a statutory formula, which in Mr. Sanders' case means that his brothers may well end up taking everything notwithstanding his expressed intentions to the contrary.

Despite society's more relaxed attitude towards the gay lifestyle, property and inheritance laws fail to recognize a

gay person's "right" to inherit a deceased lover's estate. If a married man dies intestate, his wife automatically has legal rights to at least one-half of their husband's estate; this is further strengthened by the community property law that delineates property rights between spouses. But if a gay person dies intestate or leaves an invalid will, the surviving lover has virtually no legally cognizable rights.

Another troublesome issue related to this subject involves will contests between disgruntled relatives and a surviving lover. Suffice it to say for now that the number of will contests in California and elsewhere has reached an all-time high, and frequently involves allegations of undue influence exerted by the surviving lover having a "confidential relationship" with the decedent, who was 'mentally incompetent and vulnerable to duress' by his lover."

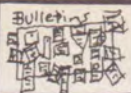
A properly drafted will by an attorney can be one of the most important yet the cheapest legal documents you might ever have. A will does not have to be complex, and frequently it can be simple, brief and  
*see Wills on page 13*

*COUPLES* is published monthly by TWT Press, Inc., P.O. Box 253, Braintree, MA 02184-0003. Copyright © 1992 by TWT Press, Inc. All rights reserved. 25 word maximum quotation with due credit permitted. This publication is designed to provide information in regard to the subject matter covered. It is sold with the understanding that neither the editor, publisher or authors are engaged in rendering professional advice. If expert advice or assistance is required, the services of a competent professional should be sought. Subscription price \$30.00 annually in the U.S.A., U.S. possessions and Canada—\$40.00 annually elsewhere. Publisher & Managing Editor: Sherwood S. Hughes; Editor & Production Manager, Kenneth A. Osherow; Illustrations, M. R. Snyder. Editorial & subscription inquiries should be addressed to TWT Press, Inc., P.O. Box 253, Braintree, MA 02184-0003. Telephone/Fax (617) 770-3156.

POSTMASTER: Send address changes to *COUPLES*, TWT Press, Inc., P.O. Box 253, Braintree, MA 02184-0003.



FYI...



## PARTNERS MAGAZINE

Don't miss an issue. If you have received a renewal notice from *COUPLES Newsletter*, simply return it along with a check for \$21 for one year or \$39 for two years of *Partners Magazine* to the address listed below.

*Partners* is a magazine devoted to gay and lesbian couples, packed full of timely and insightful information, interviews, news, articles, and opinion. Write to *Partners*, P.O. Box 9685, Seattle, WA 98109.

### LESBIAN & GAY FAMILIES

*Patlar Magazine* wants to share your stories. Tell us of your joys and challenges. Just submit your 2 page typed articles to: Patlar Family Matters, P.O. Box 1413, West Sacramento, CA 95691.

### COUPLES GROUP

Ten sessions for building and enhancing healthy, satisfactory relationships beginning soon at Partners in Growth & Recovery, Inc. 182 Main Street Burlington, VT. Therapists: Erica Marks, M.A., Giita Clark, M.A. (802) 865-2403.

Gay and Lesbian  
Parents Coalition International

### LOVE makes a Family

Celebrate with us at  
GLPCI's 13th Annual Conference  
Indianapolis, IN -- July 3-5, 1992

P.O. Box 50360 • Washington, DC 20091  
(202) 583-8029

# PARTNERS MAGAZINE

## A New Perspective

Dear Readers:

It is a great pleasure to welcome you as subscribers to *Partners Magazine for Gay and Lesbian Couples*. After this final issue of *Couples Newsletter*, you'll be joining a community of more than 2,000 same-sex partners who read our quarterly blend of information, interviews and ideas.

You should receive your first issue of *Partners* within six to eight weeks. It will focus on domestic partnership legislation and benefits—we receive more questions about this topic than any other. Like most issues of *Partners*, it will also include in-depth interviews of committed lesbian and gay couples.

Published for more than five years, *Partners* has been widely praised by same-sex couples and by committed leaders like Betty Berzon, Ph.D. author of *Permanent Partners: Building Gay and Lesbian Relationships That Last*. Dr. Berzon said she finds *Partners* "informative, amusing, inspiring and on the leading edge of publications designed to help us improve our gay and lesbian lives."

Because *Partners* has a lower subscription rate (\$21/year) than *Couples Newsletter*, a one-year subscription to *Couples* will equate to six quarterly issues of *Partners*. We will convert your remaining subscriptions so you'll get an equivalent or greater value for the subscription you originally purchased.

If this is your last issue of *Couples Newsletter* and you wish to receive *Partners* magazine, send a check for \$21 to *Partners*, Box 9685, Seattle WA 98109. We also accept VISA or MasterCard by mail or phone (206) 784-1519. To keep subscription costs low, we do no billing.

If you have any questions or requests, please write or call.

Sincerely,

Stevie Bryant & Demian, Ed.D.

Editors/Publishers, *Partners Magazine for Gay and Lesbian Couples*



### MOVING???

Return the mailing label  
from your envelope with  
your new address.





## COMPROMISE

# Home Sweet Home

by Kenneth A. Osherow

*When I moved into my partner's apartment I brought all of my furniture and possessions with me. I never realized I had accumulated so much stuff!*



**W**e had to move and we thought it would be nice to buy instead of rent this time around. We were tired of padding Mercedes driving landlords pockets, and we knew that real estate prices were the lowest in years. Now that we were a "joint income family" it would be much easier for us to purchase. Little did we realize this would be the beginning of an eight month search.

Agreeing on the *type* of home was the most difficult decision of all. We agreed an extra bedroom for guests was necessary, as well as an office so we could run a business and study. The agreements pretty much stopped there. I felt a fireplace and hardwood floors should be the next requirements on our shopping list. My partner, Woody, on the other hand, felt laundry and gourmet kitchen were much more practical.

As it is so often the case in real estate, it was a matter of finding the right place at a fair price, and in good location. We were torn between all the joys and problems of owning a house (cleaning gutters, mowing the grass, painting the exterior etc.), versus buying a brand new condominium with all its ease and amenities.

There are many aspects to buying a home and both partners should feel comfortable with it. Not only the property itself, but the monthly payments and the responsibility of owning it *together*. No longer would we be able to call the landlord when the toilet overflows or deduct the electricians bill from the monthly rent.

A couple needs to be secure in their relationship, and I strongly recommend a co-tenancy agreement regarding the terms and conditions of ownership. Owning property together is challenging, so don't let anyone tell you otherwise! Ownership forces greater commitment because it is no longer easy to get up and walk out the door.

Ownership can set the stage for a strong and long lasting relationship or it can be disastrous. It may not be for everyone, but it is definitely worth considering.

After several months of looking, my partner and I decided that buying a condominium would not only meet our needs, but also allow us stay within our budget. I could have my fireplace and hardwood floors, and my lover could have his laundry and gourmet kitchen (these "amenities" are considerably more affordable in a condominium than in a house). More importantly, we both spend a lot of time working, and felt owning a condo would require less hands on maintenance.

From a financial standpoint, there are many reasons why buying property is beneficial. First, there are numerous tax advantages associated with ownership. The interest on a mortgage is fully deductible, and since one pays predominantly interest and little principle during the first years of a mortgage, a large portion of the monthly payment can be written off. The net effect of this tax advantage is that approximately 1/3 of the monthly mortgage payment is deducted from an individuals tax liability. For example, if Woody and I were previously paying \$650 in monthly rent, we could now safely afford to pay close to \$1,000 for a

## Anniversaries...

*A very special congratulations to this month's couples who are celebrating and honoring their time together as a couple.*

Steve Wroblewski celebrated a 12th anniversary of a loving relationship with his partner Ed DeSantis on April 8th. "We absolutely love being in love with each other."

In March we celebrated our 20th anniversary—should be worth a notice. These have been wonderful years and we love each other very much! Jim Lindstorm & Bob Royce.

Martin Spector and Rodger Morales celebrated there 14th year on March 24, 1992. We feel fortunate to have such love for each other! ▼

## News Notes...

**SAN FRANCISCO, CA**—Levi Strauss & Co., the world's largest clothing manufacturer, announced it will offer health benefits to unmarried partners of its U.S. employees. The policy applies to any worker who lives with and shares finances with an unmarried lover. The decision makes Levi's the largest company in the U.S. to extend benefits to domestic partners. It applies to all of its 23,000 U.S. workers, but is expected to be used primarily by homosexual couples, who are forbidden to marry under civil law.

**WASHINGTON, DC**—In an unusual show of support, the D.C. Council voted unanimously to extend legal status to domestic partners that register with the city, provide medical leave benefits to D.C. municipal employees, and offer tax breaks to private business that provide their own workers with partners insurance. D.C. is the first city



## News Notes...

to try to tempt private sector employers with tax benefits for adding domestic partner insurance programs.

HONOLULU, HI—The Hawaii Supreme Court will rule this spring on the denial of marriage licenses to three gay couples, according to *Hawaii's Gay Community News*. The Gay Marriage project, a community based education and advocacy project, is raising funds to cover legal expenses. Call (808) 526-3000.

WASHINGTON, DC—A gay couple that was denied a marriage license will appeal a D.C. Superior Court judge's dismissal of their lawsuit. The judge cited Biblical passages to uphold the concept of marriage as specific to a man and a woman. The couple argued that the judges references to "the church" puts one religion over another, and that the decision violates the separation of church and state.

CHICAGO, IL—A new committee of university of Chicago students, faculty and staff has demanded the school allow gay and straight domestic partners spousal access to facilities, privileges and other resources. The committee says the university is violating its "Nondiscrimination Statement" and the Chicago Human Rights Ordinance. The student filing the charge wants access to libraries and gyms for his lover.

PASADENA, CA—A group of Christian Fundamentalists marched outside a church to protest a ceremony performed there last month to bless the union of two gay men. Last month the Rev. George Regas blessed the union of the gay couple. The service was attended by about 500 guests. The ritual, similar to a wedding, has stoked an intense debate about homosexuality within the National Episcopal Church.

tax deductible mortgage payment. An additional tax deduction is the property tax which you pay each month. Although a renter does not have to pay property taxes, they are most likely worked into the monthly rent, but for homeowners they are a fully deductible expense. Overall these tax deductions can amount to substantial and significant savings over the years.

Secondly, writing a monthly check to the bank for a mortgage is similar to writing a check for your future. In fact, if the burden or responsibility associated with a mortgage seems frightening, just pretend you are making out the check to yourself. Over the years real estate has proven to be one of the most inflation-proof and conservative investments, and almost exclusively results in long term equity (or ownership). Equity can actually be divided into two very distinct categories: appreciation occurs when a piece of real estate is purchased for one price, and over time the value of the property rises (basically following the maxim "Buy low, sell high!"). However, even without appreciation of the underlying property, equity is a natural consequence of paying the mortgage. Even if the value of the real estate never increases, the mortgage payments offset the mortgage balance until eventually you own the property outright.

In light of all the financial benefits of owning instead of renting, Woody and I felt that purchasing a piece of property together was an investment in both our financial futures and our commitments to each other.

Most real estate purchases are an act of *compromise*. You wish you could take the gourmet kitchen and river views from one house and the jacuzzi and oak floors from another. Unfortunately this is impossible. Eventually, you will find a property which meets enough of your needs and prerequisites to justify its purchase. For example, the home which Woody and I finally decided on had a fully applanced gourmet kitchen, cathedral ceilings, laundry, loft, fireplace, a clubhouse available for parties, and a swimming pool. Al-

though there were many positive attributes to this condominium, there were many unfavorable aspects which we had to accept or overcome. For example, the unit was not as spacious as we would have liked and there was no separate dining area. We were able to overcome the lack of storage space by renting a storage room nearby. Generally speaking, however, most of us cannot afford a million dollar home so we set priorities, stick to them, and try to get as close as possible while staying within our budget.

When my partner and I were looking at homes with real estate agents, it seemed obvious that we were a couple and we didn't make a big issue out of the fact. It appears brokers are generally more interested in selling a piece of property than making moral judgements about their clients, although a lot depends on the area you are looking in. My rule of thumb is this, if you don't feel comfortable with a particular broker—find someone else.

Buying a place is no easy task. The best advice is go with your gut feelings. The best place to start is to sit down and figure out what sort of down payment you can afford. At this point it is a good idea to sit down with a bank or mortgage broker and have them "pre-qualify" you. You'll give the mortgagor all of your financial information and they will give you a preliminary idea of your actual borrowing power. If both you and your partner have solid job histories and good credit, you should consider a joint mortgage, it may increase the amount of money that you can borrow since the lender will examine both of your financial situations.

Pre-qualification is important because it allows you to know the rules up front so you don't get your heart set on a ten room mansion when all you can afford is a starter home. If you are in a reasonably strong financial standing and meet the requirements of first time home buyers, your chances couldn't be better for buying real estate than now. Prices and interest rates are the lowest they have been in years.

Good luck! ▼



## WORKING IT OUT

# How To Choose A Good Therapist

by Walter Zeichner, M.A.



**C**hoosing a couples therapist can be easy if you take the time to get some basic information from the candidates. Remember that you are a consumer. Medical professionals have a tendency to be imperious, but don't let that dissuade you from being active in making your choices.

In seeking a referral, consult people who have received services, your doctor, lawyer, clergy person, friends, even the yellow pages. Also use the Gay Yellow Pages for your region. When you are making calls it's important to either speak directly with the person or people (many therapists see couples with two therapists working as a team) who will provide the service, or if you are unable to do that, schedule a time to interview the person with no fee charged to you. Many therapists will see you once for just such an interview. If someone is unwilling to see you for an initial consultation at no charge make sure you talk with them and get answers to your questions.

Here are some questions you might want to consider asking your candidates.

- Is the therapist gay or lesbian? If not, what are their attitudes and beliefs about gay/lesbian people?
- If they are lesbian or gay are they out professionally? If not they may be dealing with their own internalized homophobia, which could get in the way of their effectiveness.
- What are the fees? Do they take insurance? Be sure you are clear about the financial arrangements before you commit to anything. Many therapists work with a sliding fee scale, and will tell you that the final arrangements can be made at the time of the initial consultation. That's ok as long as you know you're not agreeing to a fee yet.
- How long have they been practicing? What is their experience and training?
- Have they worked with couples before? Gay or lesbian couples?
- How do they see their role in providing the service? If a therapist is invested in any particular outcome they may not be the therapist for you.

It is not advisable to see someone for therapy that you have a social relationship with. If a therapist is your friend and is willing to see you for therapy, know that this is in direct violation of the codes of ethics that licensed practitioners agree to. Remember, you are hiring someone to provide a valuable service in a setting where you will be revealing a great deal about yourself to a stranger. It's important to have the safety of good boundaries. Be sure you choose the therapist, not the other way around.

You may feel uncomfortable or nervous in this process. This is not unusual or worrisome. If you have a strong intuitive feeling about someone, trust yourself. No one knows you better than you do, however don't mistake your "normal" fears or anxieties with basic mistrust. If you are seeking therapy than you have something you want to work on, a pattern in your life that is no longer working for you. There is often a very

## News Notes...

**NEW YORK**— A NY State Surrogate Court judge allowed a lesbian to adopt her partner's six-year-old son. The judge noted the depth of the relationship between the two women, who have been together for 14 years, and decided the adoption was in the child's best interest. The ruling breaks ground in New York's family law, although courts around the country have granted "second-parent adoptions" previously.

**MINNEAPOLIS, MN**— One year after the registration of domestic partners was established, 179 couples have registered. Approximately 49% of the couples were lesbian, 30% were gay and 11% were straight.

Sometimes partners bring in vases brimming with flowers and snap pictures as they fill out the six line form and pay the \$20 application fee. Three days after registering, the couple receives a certificate of registration, printed with black ink on off-white paper. Of the 179 partnerships registered in the last year, only seven have been terminated in what officials at the city clerks call a "partner's divorce." The legal benefits of registering with the city include immediate-family status, which nearly assures partners visitation rights should the partner become ill, and the ability for a city employee to take sick leave or bereavement leave should one partner become ill or die. (Excerpts from an article by David Southgate in *Equal Time*.)

**NETHERLANDS**—Thirty Dutch cities now allow gays and lesbians to register their relationships—and even conduct marriage ceremonies at city hall, even though there is no provision in federal law for gay marriage. City officials have officiated at scores of unofficial weddings. (*Outlines*)

*continued on page 9*



healthy resistance to change, even when change is necessary. You've survived until now with your present defenses, and it's not necessarily quick or easy to make changes of this nature. Notice this resistance if it comes up for you, but know that's what it is.

I hope this information is useful to you. Being in a couple is a powerful choice to make. Taking it seriously, and honoring both yourself and your partner can serve both individuals and the relationship. ▼

Walter I. Zeichner, M.A., is a gay psychotherapist practicing in Burlington, Vermont. He offers services to individuals and couples. Walter practices body therapy, and offers workshops for men and couples. Workshops are offered for gay only groups and mixed gay/non-gay. He can be reached at (802)863-5510 or by writing to him at 323 Pearl St., Burlington, Vt. 05401.

## ADVICE FROM YO'OLD GRANNY

### If You Listen...

by Fatress Hariston

Hush  
boy child  
don't you weep no more  
come  
lay your head on this grandmother's  
chest  
the way you did when you were a child  
rest there  
feel the beating heart  
listen  
closely  
we'll talk  
about  
the love of a man

Aw, don't you be shocked none baby  
for some time now  
I've known  
as grandmothers and mothers  
have for years  
yet the time has come  
to let you know  
I know  
of your special love of a man

In your eyes  
I see pain and hurt  
rest yo head now  
we'll talk

You see baby  
there is nothing new  
under the sun  
the life you so cherish

the joys and pain are  
as ancient as the pyramids

I remember a young man  
I befriended some years ago  
everybody said something was  
wrong with him  
oh we had to sneak a bit but  
our friendship was solid  
no one would give that boy  
the time of day  
cept' Daniel  
his "friend"  
I listened to them  
supped with them  
made em' family  
even though folks opposed  
I learned

Learned that  
your world is our world  
love is love

And it  
well baby  
it's just not that different  
I learned  
like all of us  
you just want to be  
accepted and left alone  
you just want to be

You showed me  
that yo' relationship  
like all  
just ain't beautiful  
always  
but can work  
with work

All that to say baby  
I understand the pain you feel

I spent my life with a man  
and I lived the love until he  
passed on  
advice if you will  
from yo' old granny  
advice my special friend and his friend  
gave to me  
it can work  
accept one another  
just as you want to be accepted by this  
ol'e world

Hold on  
get past the past  
and the anger you both sometimes feel  
don't fight  
resolve problems  
and always pray  
no  
it ain't easy  
yes  
it can be done

Lay your head down  
a while longer  
think of what I've said  
live long  
be healthy and wise  
oh  
cry if you must boy child  
often there are answers in the tears  
but overall be happy  
lean towards happiness  
there's a brighter day around the bin  
baby  
just listen... ▼

The poem originally appeared in  
Chicago's *Outlines* in the special  
literary supplement.



## CLUB MED

# What We Did On Our Spring Vacation

**T**his year, for the first time in our 7 plus years, my spouse Susan and I took a specifically gay/lesbian vacation. Last year, for the first time, Club Med U.S. has allowed gay groups to book trips to their resorts. So in February we joined 290 men and about 50 women at Club Med in Playa Blanca, Mexico. The trip was sponsored by Atlantis Events in L.A. and Islanders Women in New York, two gay and lesbian travel agencies.

Some of the Club Med personnel were a little nervous, as this was a first for them, but most relaxed as they realized we were there to have fun with each other, not hit on them! Also, a few gay club Employees had arranged specifically to work at Playa Blanca this season so as to be there for this week. They were in heaven!

The trip seemed to be at least 50% couples, so the social scene was well

balanced, and men and women interacted a great deal, which appeared to surprise some people who expected them to segregate themselves. Because of the relatively small number of women, we were able to hold a couple of separate events and all get to know each other, at least a little. One evening the women all gathered at sunset for happy hour, and each of us introduced ourselves, talking about our loves and professions etc.

While the sports and sun were wonderful and relaxing, what really made this trip was the remarkable friendliness and openness of the people there. People came from all over the U.S. and Canada, and even a few from France. We experienced something similar at the Gay Games in Vancouver where everyone was there for a common purpose and was eager to meet the other people and learn

about each other. You could approach anyone and introduce yourself. We made some very good friends while there and look forward to keeping in touch with them.

We haven't made any specific plans, but we will probably take another gay/lesbian vacation. It was wonderful to be able to hold hands, to kiss on the beach, to act like our straight counterparts without fear of nasty looks or remarks. Also, it's wonderful how people develop such an *esprit de corps* because everyone realizes how special it is to be on vacation with other gays and lesbians. The Club Med people said we were the most enthusiastic group they could remember. I'm sure that's true.

P.S. I might add for the readers who have written saying it's hard to meet other couples, that this was a great place to meet them. We met two other couples we liked a lot, whom we have already had over to dinner since returning!

Anne is a contributing writer and a subscriber to *Couples Newsletter*. We encourage readers to submit articles about their own experiences. Thanks! Send to Partners Box 9685 Seattle, WA 98109

## OUR TRIP TO NEW YORK

by Joy Goldsmith

# Staying Together

## Making it Work



**I**n November of last year, my lover and I planned a trip to the New York area to visit relatives. There was a workshop for lesbian and gay couples that "happened" to be scheduled for that same weekend. My cousin had just attended a similar workshop, and I could hear what a difference it had for him in his life and in his relationship—attributable by him to this work-

shop. He and his partner had been separated, and out of their weekend experience, they had chosen to live together again and re-commit to each other. Since this workshop was not available in my area at that time, I was hard-pressed to pass it up in the East. The timing was too synergistic. And my lover agreed to do this workshop with me simply out of my eagerness. Our only consideration was the thought: "Is this going to ruin our already wonderful relationship?"

On a Friday evening in New Jersey,

we met the presenters and other participants, gained an overview of the workshop, and had a chance to express our concerns. Saturday and Sunday flew by. We learned and practiced, as a couple, with therapists' assistance, a technique that taught us how to hear and respond in a new way to each other's frustrations—those on-going, persistent, ever-present frustrations we all face with our partners. Whether it was "your never on time" or "you always mess up my phone messages" or if you love me you would (fill in the blank)', the technique worked. By that I mean I actually heard my partner's frustration newly and the fear or hurt underneath it. Instead of reacting defensively, like I usually do, I empathized with her and was even inspired to create specific, manageable behavioral changes. Little things, like agreeing to call her twice the next week when I knew I would be late, or simple changes actually began to heal



## THE RITES OF SPRING

### Out in the Garden

by Katie Sawyer

*The spring is here and what could be more fun than couples working together in the garden. One Vermont couple shares their recent experience...*

both of us and move our relationship forward. There was hope! We had been in couples' therapy in the past with a wonderful therapist. We had discovered our Achilles heels...those things you think you're never going to get over...and realize that we just needed to tread lightly. I envisioned walking on eggs around these issues for the rest of my life. The workshop process showed us how to "solve" the issues surely and lovingly. We realized that each of us was only the trigger, not the cause, of the other's frustration. We could now see progress, we both felt more aligned, more committed.

We also learned a method for expressing anger responsibly, not just dumping it. And yes, we even moved through that and started to see how to heal each other. We also had an opportunity to re-romanticize our ten-year relationship and to re-vision it to make more of our dreams and goals realities. Fun and surprise got re-introduced. Our initial concern that the workshop might ruin our relationship transformed. Both of us now had some simple techniques to continue improving and enhancing our relationship in a constructive, gentle, workable way.

We realize we could keep expanding our relationship, and so we have. For me, I no longer feel like a victim. I am getting in touch with my fears and hurts that underlie my negative behavior, allowing my partner to see my vulnerability, and am continuing to heal. I have gained immense compassion for her wounds and know in my heart that healing is a mutual process. In addition, this workshop has transformed not only my relationship with my partner, but has also shifted the way I view all my relationships, empowering me to see people with more understanding and compassion. ▼

*This article originally appeared in Chicago's Outlines. Reprinted with permission.*

Congratulations to Rob and Todd of Maynard MA, on their one year anniversary of owning their beautiful home. May other couples learn from your kind and loving relationship. Best of luck!

Six years ago it began as a simple attempt to locate a garden in an area where it would not need to be moved mid-season. Our newly purchased home had quickly revealed a secret—we did not have a legal septic system. It appeared that we would soon be digging somewhere in the back yard to make a legal system. My partner brought out the tiller and began to change a "golf course" perfect front lawn into a garden. Soon a large, somewhat rectangular bare patch of ground began to appear.

We did notice that the passing traffic slowed a bit as we worked, and a few folks nearly hit the utility pole at the corner, but somehow we didn't have a full sense of how outrageous our efforts would appear. Our house is located in the center of a small village, a short distance from the general store. The clerk told us later in the day that everyone who came in asked, "What are they doing?"

Many of us live unobtrusively within our communities. Circumstances dictated that we be very visible to the town as we pursued our love of gardening. Even our quarrels as we two women resolve the placement of shrubs and perennials are there for the world to see or hear as we lose ourselves in the garden.

Now, six years and many new bare patches later, we maintain the garden in the front yard. This year it is beginning to achieve the established garden look that we have worked towards. In addition, we have established ourselves in the village. It's interesting that in order to obviously look at the gardens, folks usually assume a friendly smiling face and often wave. Some even stop, and share information and even plants and seedlings. "Please take some *Gloriosa* Daisies!"

This year I was fortunate to be involved in an exchange of plants with a fellow gardener. He has raised some incredibly healthy *Delphiniums*. I have placed a metal tomato cage about each new plant, hoping that his will give them sufficient support to stay erect against the wind. Previously I have used bamboo stakes and ties, with mixed success.

This spring has astounded us. Our joy in the early warming of the soil which has given us quick germination and growth is offset by hovering questions about global warming. I must admit that I really would enjoy one growing season in a zone 6 climate. Visions of all those too tender plants dance in my head. My *Forsythia* never blooms except for a few haggard yellow flowers at the bottom. My neighbor explains that the *Forsythia* is a zone 3 shrub with a zone 5 flower. I'm learning about shrubs! This year the *Weigela* bloomed for the first time and I am rejoicing. I learn as I grow.

We would love to have an exchange of ideas about gardening. Any readers wanting to share ideas, perspective, or to report on gardening failure or success, please write to us care of OITM. Best wishes for successful gardening! ▼

This article originally appeared in *Out in the Mountains*, P.O. Box 177, Burlington, VT 05402.



# MEDIATION

## A Process For Alternative Relationships

by Kim McAlister, Mediator

**W**hat do you do when you and your partner cannot agree? Frequently, you either try to ignore the problem, or re-hash old arguments. However, more and more lesbian and gay male couples are now using mediation to resolve their conflicts.

What is mediation and how can it help you? Mediation is a process in which people confidentially negotiate their concerns with the assistance of a neutral third person. The mediator is a facilitator, a brainstormer, and yes, a referee.

Mediation is different than arbitration, where a third party does make a binding decision for both sides. The mediator is not a judge and cannot impose a decision. One person doesn't "lose." In fact, mediation tries to create a "win-win" solution for both persons.

Mediation is not law nor therapy. A mediator cannot provide insight about the long-term effects of surviving a dysfunctional childhood, internalized homophobia, or domestic violence. A mediator cannot provide advocacy or legal information. But mediation does offer clarification for what is needed when and by whom. It is a forum for creativity, planning, and decision making.

What does this mean for you? If you are considering drafting a relationship contract with your partner, you could add in the agreement your intent to attend mediation before you seek either arbitration or litigation should something go wrong. It is important to know that using mediation takes away none of your individual legal rights if you are unable to reach an agreement. However, the benefits of using a non-adversarial process are numerous.

First, because gay men and lesbians cannot marry, our lives together are not predetermined by law or cultural mandate. The lack of (legal) definitions can also lead to confusion, unspoken assumptions, and conflict. Mediation offers the flexibility necessary to meet our needs as an acknowledged gay or lesbian couple, and does so in a confidential context. That is why you will want a mediator who is sensitive to gay male and lesbian issues.

Second, you don't have to break up in order to use mediation services or even be in a "serious" situation. Mediation can be used to isolate and eliminate sources of concern as soon as they arise. Once the "honeymoon" is over, it is normal for couples to find things they don't agree on. Learning how to negotiate with each other can be essential in order to create a sound foundation for long-term relationship.

Third, because mediation is a time-limited and issue specific process, it is an economical service you can use jointly. You don't need to hire separate moderators, and it won't continue indefinitely. Mediation is not just about "fair fighting," it is designed to produce concrete actions, and specific agreements.

Last, but by no means least, mediation can provide you with a forum to discuss the issues that are important to you. Such issues may include: the home, the business, individual and joint finances, the "in-laws" and extended families, "ex's", the kids, roommates, joint property and possessions, social activities, pets, etc. You get to name the agenda in a mediation.

Because mediation is future-oriented and empowering to both persons involved, it is a particularly effective method for resolving all types of situations for the lesbian or gay male couple. The use of mediation can reduce tensions, clarify differences without blame, and produce lasting outcomes. So the next time you both repeat that argument and don't get anywhere, you might want to call a mediator instead. ▼

Kim McAlister, MSW, is a dispute resolution professional providing mediation exclusively to the lesbian and gay community.

## News Notes...

*continued from page 5*

**ANN ARBOR, MI**—A new domestic partnership ordinance allows gay and lesbian couples to register their relationship with the city clerk. The measure, which was adopted by the City Council after an emotionally charged four-hour public hearing, makes Ann Arbor the first city in Michigan and the 18th in the country to pass such a law. Approximately one-third of the 300 people at the hearing spoke out, most of them in favor of the measure. Unfortunately, the ordinance does not provide legal rights to registered couples.

**NETHERLANDS**—The Ministry of Defense announced that gay soldiers sent to foreign countries may take their lovers with them. The first such couple received an icy welcome on the Caribbean island of Aruba, but the Justice Minister intervened and resolved the situation. (*Outlines*)

**ALBUQUERQUE, NM**—A New Mexico appeals court ruled that a lesbian may seek custody of, or visitation with a child she raised with her former lover, the child's mother. The ruling overturns an earlier dismissal of the case, and requires the lower court to allow the women to present evidence of their relationship with the child and the couple's original intention to co-parent the child. (*Outlines*)

**RELEIGH, NC**—A southern Baptist church, defying its parent church, has voted in favor of blessing a gay union. Nearly two-thirds of the congregation agreed to permit a service blessing the union of two gay men. Traditionally, Baptist churches are autonomous and democratic. Individual congregations make their own decisions, rather than following a policy set down by central leadership. ▼



## Readers Focus...

We are a couple who just celebrated our 16th anniversary this past April 1st, and have always felt there was no voice for the part of our community involved in long term relationships. When I was managing editor for the *New York Native* I even had trouble convincing our publisher that couples such as ourselves were not a rarity.

Both of us read *Couples* from cover to cover and enjoy a perspective closer to our own than is available in other gay publications, both local and national.

As we enter our seventeenth year together we are in the process of finalizing the adoption of our son. Michael arrived in our home as a newborn in June of 1990 and has added an entirely new dimension to our lives and relationship. In many ways we feel like "newlyweds" again, enjoying routine activities and family trips as much as the first time, if not more.

I am writing specifically because of "Childless... No Way!" in issue #11. Our pre-adoption experience was not as quickly accomplished as the author's nor was it as difficult and painful as those of other gay couples we have met. It was as different (and similar) as any two births by birth parents. It's the feeling of 'family' and the joy of parenting that those of us choosing to enlarge our family in this way share.

I cannot stress the importance of letting other gay couples (and singles) know that adoption is a viable option for us in many states. There are as many children who need us as there are families in the gay community who want them. Perhaps an article detailing the adoption process and pitfalls might be forthcoming.

I look forward to reading your newsletter for many years to come and have shown it to other couples we are friends with, encouraging them to subscribe and to offer their support to a publication that finally addresses our needs and feelings. —Harold Klein and Mitchell Mermel, New York



## We are Family



by Moira

Taking a walk after dinner, the kids up ahead on bikes, I want to hold her hand, to reach up her neck with a kiss. I wait till we get to the alcove near the pony, and there while the children collect fallen apples and clover and other favorite pony delights I look for that familiar sparkle, the one that keeps me going through the longest of days. I love her as she gathers me up and steals a kiss, as I feel her body warm and strong against mine. Moments like this I forget that we are different, that is unusual for two women to love each other, to raise a family together. I see her as my mate in every sense of the word, it feels natural.

I didn't know what it would be like for my children, having my lover move in with us. She and I spent many long hours discussing the how's, the time it would require for everyone to adjust. But when they all fell in love with her just as easily as I, we weren't all that surprised. Here we are now, finding what was once a lost band is now a family. This is the best we have been together, the most love flowing between us all, ever.

We laugh when our littlest son climbs into our bed and wedges into the warm place between us, calling us his "two mommies." So easily he has shown his love and affection. I see that without the worlds prejudices, he loves us as purely as he feels our love for each other. This is not always true with our oldest son, entering those confusing teenage years. He is, at times, uncomfortably aware that his house is different, and must face the age old question, is different OK? But as a family we debate, argue, cry, and laugh along side of each other.

They were all out there together, my lover with the kite string in hand, the flying shark soaring, all three children with their heads held back, eyes toward the heavens. Maybe the world needs to see our love, to see us so natural, to see us as a family. I reach to hold her hand. She doesn't pull away, but I feel tension as we

walk past a couple and their children. We are functioning under an optimistic umbrella that seems to protect. It is staggering to me that so much of what I take for granted, such as loving this woman, is not accepted. Even our daughter can't fathom why we're not able to marry. "But you love each other," she says. In her mind that's good enough. In her heart that's good enough.

Like so many of the issues facing lesbians and gays, being a family brings you right up against the fears of the common mind. I hear how damaging it will be for the children. I hear how confusing it will be for them. Never mind that they love her as much as I do, never mind that when we return from our weekend away it's her they run to, never mind they don't want me anywhere near the laundry room anymore, having put up with years of grey cloths, they love her bright wash. That's the good part, that all in one moment, in a real moment, years of grey can be washed out. We are all drawn together by this love. Quite interesting how that happens when you create a space like we have.

Living as a lesbian couple in Northern Vermont carries its own set of problems and concerns, some shared by all families, some unique. My partner and I are committed not because we have to be, not by blood ties, but by love, by our shared love for our family. As the autumn nights grow cooler, we look forward to nights around the fireplace, the weekends spent winterizing and throwing the football around. We are up against much prejudice. I move my hands around our bodies, asking for light to protect us in these dark times, for energy to shield us from the cloudy thoughts. But as we sit around the supper table I feel the strength, in our perseverance, in our right to be who we are, in the love that grows like a web between us all. It takes living it, to expose the old ways of thinking, the old fears. We are a family. ▼



## The Right To Wed

by Moira

*Her hand rests on my brow, fingers entwined and slipping through my hair. I feel smoothed like a girl on a trusted lap. It is an old memory she stirs in me as we lie close. Her chest raises and falls next to me, the life beating warmth. I love her. We talk of the gold bands we wear.*

Every morning my littlest son walks to the one store in town and returns with the paper for us. As I pour the tea we notice

Victorian wedding bands advertised. They reminded me of our wedding. We can't make it legal she tells me, but I don't understand why. It is a remarkable fact to me, that in this day, on the crest of the space age and *glasnost*, puritan

thinking persists to such a degree that two people of the same sex cannot make their bond legal. This smaller issue encompasses a much larger one, one of discrimination at the very core: that of acknowledging lesbians and gays and allowing them basic rights.

I do not agree that the gender of the person I love is more important than who that person is, even though the law books state it. I have read about relationships between women that have spanned their adult lives, that have been productive and loving, yet the romantic nature had to be hidden. I question why it is okay for people of the opposite sex to marry and

divorce as frequently as they please, somehow their unions are considered "blessed," even though in a Las Vegas chapel. These dichotomies strike me the wrong way. I know that making something legal doesn't make it stronger, and it doesn't make it last.

But it is in the denial of my rights that I am angered. I am angry that marriage is not an option for us. What is it in our limited thinking that lets this persist? I would like to see more people who value their long-term relationships question the state's denial of their legal right to marry.

I know they are there, out there,

some speaking, some quietly living their lives. For some, such as myself, it hasn't needed to be an issue till now, till the commitment of relationships and family became real. Maybe the time has come for these basic rights, the



right to love, to marry, and be recognized by our community.

Lesbians and gays are no less committed to their relationships, their families, their communities, than anyone else. However, because of the impossibility of the legal bond, many people view their relationships as not quite real. Again it comes back to self-acceptance: we need to believe in ourselves, that our marriages are valid, and project that image out.

It is difficult because, like so many coming out issues, being married in a same sex relationship is generally not accepted. There are many people who would laugh at such a marriage, and

## Convention...

### The 7th Annual Couples Convention

The 7th National Anniversary Convention/Celebration of Couples National Network, Inc. has been set for the weekend of May 1-3 at Hollywood's Roosevelt Hotel, famous as the setting of the first Academy Awards dinner in the late 1920's.

Gay and lesbian couples from around the nation are currently making plans to respond to the convention's cross continental "love call," by completing registration forms in preparation for what promises to be the most diverse and interesting celebration since the "couples concept" organization was founded in 1984.

In addition to award presentations, planned seminars, a keynote speaker, selected tours, Hollywood-style makeovers, and the organization's national election, highlighted events include a Friday evening cocktail reception, featuring special guest star, Academy Award nominee and a Golden Globe nominee, Sally Kirkland. Other events include an elegant (black-tie optional) dinner dance in the Blossom Room of the hotel, as well as the comedy skills of *Saturday Night Live* star, Terry Sweeney, known for a hilarious impression of former first lady, Nancy Reagan. Sweeney will also be honored together with his partner in celebrating the 10th anniversary of their relationship.

In addition to sharing monthly social camaraderie, member-couples participate in award-winning forums focused on wills and estate planning, real estate investment, safe sex informationals, building better relationships workshops etc.

The convention is open to all same gendered couples; you do not necessarily need to belong to an affiliate to participate. Interested couples can contact the convention c/o Holiday in Hollywood, P.O. Box 308, Alhambra, CA 91802. ▼



others who would react in a violent way. Certainly the preparations and sharing that goes on in families or the workplace are different. We did not have the hat passed around at work for us because of the negative consequences that our openness would cause. Nor did we have our whole families with us because of a similar response.

For my partner and I, it was a personal decision who we told about our wedding, who we asked to join us in our celebration. It was painful planning something that filled us with such joy and at the same time made us startlingly aware of its unrespectability. However, in her eyes I found all the love reflected that one could feel. I found the validity in our union. I do believe that a day will come when she and I are legally joined, but it will take working for it, demanding the respect we all deserve, and showing that we value our commitment. It will take exposing the bias that still rules our courts.

In designing my own wedding, I decided to view the unconventionally as a freedom. We can decide how we want our wedding and where, without the traditional constraints imposed on us. A marriage is an intimate union between two people, it need not have a legal process to validate it, it need not be sanctified by a church that wears blinders to the times we live in. But it can be, as it was for my partner and me, a moment when the rain clouds cleared and the sun fully gave its blessing. As we stood in that chapel by the sea and exchanged vows, the marriage became for us all what it needed to be. ▼

*The previous two articles originally appeared in Out in the Mountains, P.O. Box 177, Burlington, VT 02402. Moira and Mary Jean were wed in a private ceremony October 12, 1991 in Maine.*

## NATIONAL SPOTLIGHT

### On Marriage

by Craig R. Dean

As for whether gay and lesbians should seek marriage at all, some critics say that homosexuals should not mimic heterosexual lifestyles. This argument is dangerous because it tends to buy into homophobic fears that gay and lesbians should not be married lest it make a farce of the marital institution. This issue is not whether all gays and lesbians should get married; the issue is whether homosexuals should have the same choices available to them as heterosexuals, and the ability of gay and lesbians to determine their own family structure. It is like the issue of gays serving in the military. Whether gay or lesbians should serve in the U.S. Military Industrial Complex is considered a legitimate point of debate. However, no one in the gay community seriously argues that gays should be denied the option of joining. It is the option, the *choice*, that counts. Marriage has traditionally been an attractive option for people as it provides stability and social respectability. Same-sex marriage would most likely increase desegregation, tolerance, and acceptance of the gay and lesbian community.

My lover Patrick Gill and I have sued the District of Columbia for the right to marry. We are fortunate that the mainstream media is following the issue too.

The media has shown an intense fascination with the gay marriage issue. There was a time when the media would ignore gay issues. But in the wake of massive AIDS coverage during the past few years, now the media seems ready to cover other, more positive gay issues.

As far as Pat and I can tell, coverage of our fight represents the first time the media has been willing to consistently portray a gay issue in a positive manner to

so broad an audience. It is difficult to know how many million we have reached, but by adding the estimated viewers of our TV appearances alone, the number of viewers is as high as 50 million. We have appeared on the Oprah Winfrey Show, twice on Donahue, CBS Morning News, CBS



Nightwatch, Fox Morning News, CNN and various local TV and radio shows around the country. In addition because AP is following our story, hundreds of newspaper articles have been written on same-sex marriage.

People of color gained momentum for their civil-rights movement when TV brought their plight into American homes. Similarly, our movement, stands to gain momentum from the coverage given to us by the mainstream media. Furthermore, because marriage is a common element of society to which all



people can relate, gay and lesbian marriage has the potential to build a broader coalition for the Gay and Lesbian Civil Rights Movement.

Indeed, the response of straight America has been overwhelming. I believe that we are seeing a tremendous shift in the public's perception of lesbians and gays. We have even made inroads into Hollywood—sitcoms such as the *Golden Girls* have run strongly supportive shows on the issue of same-sex marriage. Who knows, as the *Golden Girls* go, so goes America! ▼

*Illustration on opposite page: "Lovers in the Glade" by Tristan Alexander.*

*This article is an excerpt of a longer article part of which ran in the Nov. issue of COUPLES. Craig R. Dean is a 27-year-old attorney practicing in Washington, D.C. He graduated from Georgetown University Law Center in 1889. Many cities have local groups who are working on same-sex marriage. In the Chicago area, the Citizens for Gay Action group is working on same-sex marriage. Write P.O. Box 148218, Chicago, IL 60614. Other areas contact your local directory.*

## LEGAL MATTERS

*continued from page 1*

to the point. But it must be legally correct in its wording and manner of execution. An alarming number of wills are not admitted into probate because of legal deficiencies—particularly so-called form wills available from stationery stores.

living trusts is not subject to probate, and the trust is a private instrument. By its very nature a living trust is extremely difficult to contest or set aside, assuming it is properly drafted and implemented. Many people do not want to go through

***A properly drafted will by an attorney can be one of the most important yet the cheapest legal documents you might ever have.***

Many consumers have failed to fill out the blanks properly, according to a State Bar report, or have failed to properly execute the forms, thereby causing probate courts to reject them. Moreover, form wills are geared towards married couples, not gays or single people.

About 75% of single men who die fail to have a valid will, through oversight, neglect or bad planning. In these cases property goes to the next of kin or, if there are no surviving relatives, it goes to the legal doctrine known as "escheat." Under the law, surviving relatives include half-blood relatives, distant cousins and even children of a predeceased spouse.

Many gays and lesbians feel that even with a properly drawn will there could be problems with relatives in the future vis-a-vis the surviving lover, and this is borne out in reality by the proliferation of will contests in court. Living trusts afford a greater degree of protection in that respect for many gays. Property transferred into

the procedure of a living trust, however, because it is more complex than an ordinary will.

Other procedures available to gays to protect their property include placing assets into joint tenancy, and having life insurance procedures payable directly to the intended beneficiary. There are problems from a tax standpoint, however, whenever one unmarried person places real property into joint tenancy, but that is beyond the scope of this article.

Everyone should at minimum have a legally acceptable will rather than cast one's fate to the winds. Details concerning the content and implementation of that and other documents should be worked out with a knowledgeable attorney. ▼

*John Alan Cohan is an attorney with office in Los Angeles and San Francisco. He can be reached at: 213-557-9900 or 800-255-1529.*

***Thinking of starting your own couples group?  
See how this group does it...***

## Delaware Valley Couples

Delaware Valley Couples began in April of 1988 as a social and educational organization for Gay and Lesbian couples. They are not a dating service or a political organization, but provide a unique service within the gay community by sponsoring events of interest to couples in an atmosphere which supports long term relationships. DVC hosts monthly events which alternate between social and educational seminars. Social events include pot-luck dinners, holiday celebrations, bar-b-ques, and outings. Educational events are designed to provide information of specific interest to gay and lesbian couples. Topics include legal issues surrounding gay and lesbian relationships, buying a home together, maintaining healthy relationships, making investments, legalized gay marriage and commitment ceremonies.

In addition to sponsoring events, DVC publishes a monthly newsletter which keeps members informed of upcoming events, news concerning gay and lesbian couples and announcements of community events in which DVC members are involved.

Funding for DVC comes from membership dues, contributions and fund raisers. The suggested annual membership dues/donation is \$20.00 per address (more if you can, less if you can't). Once you send in your check, you become active on their mailing list, are encouraged to attend events, and Executive Board planning meetings.

To contact DVC for more information write: Delaware Valley Couples, P.O. Box 553, Collinswood, NJ 08108. ▼



## Mail Bag...



I would like to see some articles that discuss long term relationships (20 years or more), and how they evolve. My partner and I have been together for 20 years, and our relationship has never been static. Our health issues and status are opposite. I am HIV+, he is negative. My sexual interest has moved into the leather/sm/kink area, while my partners interest in sex has been replaced by career development. Yet despite it all we still love and cherish each other. Trust plays a major roll in our relationship. So as you can see any articles dealing with the above issues would be of great interest to us. ▼

M&amp;R

We love *Couples Newsletter!* Keep writing those interesting and diverse articles. We are a couple who have been together for seven years. ▼

D&amp;T, Baltimore, MD

I like the focus of your paper—our day to day reality is seldom validated. You do this. Keep up the good work! ▼

Kathy Sawyer, Burlington, VT

Love the newsletter, you're doing a great service for our community. I plan to write more later regarding our upcoming anniversary. ▼

Casey, San Francisco, CA

Hello! Happy 1992 to all! Just finished reading part of the PGN (*Philadelphia Gay News*) about *Couples Newsletter* and was pleasantly surprised to see a resource guide about couples with your name listed. We would very much like to subscribe to your newsletter. We look forward to hearing from you. We had no idea a resource such as this existed in our community. Thanks for providing it! ▼

Ed and Roy, Lansdale, PA

Have enjoyed the past two issues. Thank you for letting us know you exist. I'm glad my partner and I finally have a resource that's all our own! ▼

Jim &amp; Bob, Chatham, MA

## OUTLAWS

Joint Tenancy  
Pros and Cons

by John Alan Cohan

Let's look to the positive side of joint tenancy. Just about any type of property can be held in "joint tenancy with right of survivorship." It does not matter what the relationship is between the joint tenant owners: whether they are married or unmarried, related by blood or not. An automobile, boat, painting, animal or house can be owned in joint tenancy. The principle advantage of is *automatic right of succession* upon the death of the other joint tenant. It is an asset that is exempt from probate because, by the very nature of joint tenancy, the right to succession is literally, *automatic*. Of course, you will want to file or record a new deed or certificate of ownership, but still the survivorship is legally in place automatically when the decedent dies.

Do not confuse this (as many knowledgeable people do!) with tenancy in common or tenants in common. This latter method of ownership means that each tenant has an undivided fractional interest in the property, but his or her interest does *not* automatically go to the surviving tenant; to the contrary, it goes in accordance with his will, or to his "estate" if he dies intestate.

Joint tenancy is also thought to be desirable because it minimizes legal entanglement, does not even require a lawyer, and is particularly easy since you just tell the escrow officer that the two of you want to take title in joint tenancy with no right of survivorship.

If you do take property in joint tenancy, make sure the deed or certificate of ownership spells it out correctly. I have seen several situations, including one highly intelligent doctor client, where the couple's deed did properly set forth their joint tenancy status, but corrective measures fortunately were made in time.

Why is joint tenancy referred to as one of the "Ten Most Common Estate

Planning Mistakes" in the National Underwriter's *Estate Planning* manual? There are several reasons, any one of which can be an important consideration.

1. Most people who enter joint tenancy do so with incomplete knowledge of the consequences, in a haphazard fashion, based on feelings, custom, deference to the wishes of another person, or even by chance;
2. The idea that joint tenancy is a substitute for a will is myth. Simultaneous death of joint tenants, for example, can greatly exacerbate the situation and create improbable results;
3. It is very difficult to unwind joint tenancy even if two people break up. It is difficult to get a court order to actually compel the breaking up of a joint tenancy;
4. If the surviving joint tenant sells the property, there can easily be adverse income tax consequences. There are special rules for computing this gain or loss, and the tax can come as a big surprise;
5. There are, in some cases, significant *gift* tax problems upon creation of the joint tenancy that would be obviated with other procedures instead of joint tenancy.

I have seen it worthwhile for many couples to overhaul their present joint tenancy situation, particularly with real estate holdings, by utilizing one or more tools. I might suggest transferring the property to themselves as tenants in common. No gain or loss will be recognized on such a transfer, and there should be no gift tax consequence. The property would then go in accordance with each party's will. Alternatively, the property can be converted into property held by each party's living trust. In either case, you might be surprised to discover that ultimately you can be more assured that the property will end up exactly where you want it, and that there won't be any surprising tax consequences. ▼

John Alan Cohan is an attorney based in Los Angeles with a multi-state practice. He can be reached at 213-557-9900 or 1-800-255-1529.