

RIGHT OR WRONG? Seniors sealed relationship with a document

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An elderly couple, each widowed, prepared a document, which established that they would care for one another as long as they both were living. They are recognized as a couple in the community but do not live together. Is this relationship a marriage in God's sight?

This question, on the surface, does not pose a great deal of ethical wrangling for me. Two people who trust and care for one another have made an agreement to protect one another's best interest. It would appear that they explicitly trust one another in matters of health, business and other areas. It would also seem that this couple enjoys one another's company.

However, I wanted to check my sense of the issues that could be involved. Thus, I inquired of attorney Johnny Merritt of Amarillo for some legal

review on this article. I asked him:

- Does this mutually beneficial legal document mean that they are married? Unless a marriage license accompanies a “power of attorney,” the answer would be “No.”

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- Does their public recognition of companionship in the community mean that they are for all practical purposes married? The answer to this question also is “No.” I can think of several respected people in my own community who enjoy one another’s company. I have not heard conversations in which they are viewed as married. Therefore, the relationship raised in the question would seem to be no different from other partnerships or legal trusts.

The posed scenario does not even qualify as a “common-law marriage,” which in Texas requires three elements: the couple has agreed to be married; the couple lives together as husband and wife; and the couple represents to others that they are husband and wife.

I also put this question to a gathering of senior adults in our church, and the discussion was quick and decisive: “No, this couple is not married; they simply trust one another and enjoy one another’s company.”

The greater conundrum put forth in that same gathering, however, was the difficulty of the marriage penalty and Social Security benefits. Two single people will receive more compensation than a married couple. Our senior adults offered stories of friends, deacons, family members who chose to “live together” rather than take a reduction in benefits. One even told the story of a “religious marriage ceremony” performed by a pastor, without the encumbrance of a marriage license. “Are these people ‘living in sin’?” was the question put to me by our senior adults.

This question weighs the difficulty of making an already meager income even less, over a simple piece of paper. On the other hand, that simple piece of paper or “marriage license” clears up a number of difficult legal issues. Here is just one example: When asked by a member of a medical team, “Are you his/her spouse?” what kind of guilt-free legal answer can be supplied if a couple is not legally married?

It seems to this simple-minded West Texas preacher that the words of Jesus make matters like these much simpler. “Render unto Caesar the things that are Caesar’s.” We all have tax or regulatory issues that seem unfair or that complicate our lives. However, those complications are less and far less guilt-laden when we do the right thing as prescribed by the law.

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Right or Wrong? is sponsored by the T.B. Maston Chair of Christian Ethics at Hardin-Simmons University’s Logsdon School of Theology. Send your questions about how to apply your faith to btillman@hsutx.edu.

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