



Blended Families by Scott Abel

In today's society, the concept of a blended family is no longer a foreign or taboo subject. In many households, step children and step parents are quite common. These families may function better than the original households that each spouse came from.

However, with these situations, new difficulties, both legal and practical, can arise.

A step-parent takes on a role that may not be defined, or well known, prior to becoming involved in the relationship. Can the step-parent take an active role in disciplining their step-child? Should they?

If a step-parent becomes actively involved in parenting their step-child, have they opened themselves up to the possibility of paying child support, should they separate from the biological parent? The more involved the step-parent is in parenting their step-child, the more legally entwined they become in that child's life.

If they have to pay child support, or want to pay child

support for their step-child, do they have a right of access to that step-child? Ultimately, if it is in the best interest of the child that their step-parent remain involved in their life, then access will probably be ordered.

Aside from the children, does a re-partnering by one of the spouses affect the obligation to pay, or receipt of, spousal support? In and of itself, entering into a new relationship does not disentitle the spouse to the receipt of spousal support. But it will certainly create new difficulties relating to the payment of spousal support.

If a separation agreement specifically contemplates a review or reduction of spousal support upon a spouse entering into a new relationship, then that new relationship will certainly have an impact on the receipt of spousal support. What if the spouse paying support enters into a new relationship – does that better enable the spouse to be able to afford the payment of spousal support?

Often times with the best intentions, blended families buy a house together, or one spouse who owned the house puts the new spouse on title to the house – what happens in the event of a separation? At first blush, if the new spouse is on title, they are entitled to a share of the equity in the house.

What about assets that each spouse brought into the marriage – how are those assets protected from sharing in the event of another separation? Even if an asset is pre-acquired, its increase in value may be shareable upon a separation from the new spouse, depending on the length of the relationship.

What if one spouse dies? What happens to the house and the rest of the assets of their estate?

While often not an easy topic to discuss, a cohabitation agreement between the new spouses is often the best way to approach these topics before there is a problem. The agreement can set out how assets will be dealt with, including the house. The agreement can address

parenting issues and child support issues.

These issues are not insurmountable – there are solutions available. It is sometimes as easy as talking with the new spouse and deciding what would be best. Once an agreement is reached, it is important to make sure that agreement is properly documented, in writing.