

Cohabitation Law and Policy: An Annotated Bibliography

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This bibliography addresses legal and policy issues raised by cohabitation of unmarried partners.

It begins with a section covering some of the extensive body of social science research on cohabitation, particularly on the question of how cohabitation before marriage may affect relationship quality and stability. Before scholars had empirical data on this, some speculated that premarital cohabitation would lead to lower divorce rates because it would give couples a chance to assess their compatibility before marrying. When data became available, it strongly suggested otherwise, with numerous studies finding that premarital cohabitation was associated with higher rates of divorce. A robust debate among social scientists has considered whether this association is a matter of causation or correlation. In other words, does premarital cohabitation actually increase the risk of marital instability and dissolution, or do couples who choose to cohabit before marriage tend to have characteristics that put their relationships at greater risk?

The remaining sections address legal issues relating to cohabitation, including important issues within family law such as the legal status and rights of cohabitants, the handling of property and other financial issues when relationships between cohabitants end, and the impact of cohabitation on spousal maintenance obligations.

The bibliography focuses on sources from the past fifteen to twenty years, but includes a few older sources of particular relevance.

While it is impossible to provide an exhaustive survey of all relevant sources, the goal of the bibliography is to cover many of the sources that would be of interest to those practicing, teaching, or studying family law.

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Adverse or Beneficial Effects of Cohabitation

Geneviève Bouchard, *Cohabitation Versus Marriage*, 46 J. DIVORCE & REMARRIAGE 107 (2006) (explaining the results of a study finding that unmarried cohabiting couples were more likely to end their relationships, compared to their married counterparts, even if the relationships were still relatively satisfying).

Susan L. Brown & Alan Booth, *Cohabitation Versus Marriage: A Comparison of Relationship Quality*, 58 J. MARRIAGE & FAM. 668 (1996) (analyzing survey data showing that cohabitants generally report worse relationship quality than married people, but that the difference is largely attributable to those cohabitants who do not intend to marry, and no significant difference in relationship quality exists for cohabitants who intend to marry and those already married).

C. L. Cohan & S. Kleinbaum, *Toward a Greater Understanding of the Cohabitation Effect: Premarital Cohabitation and Marital Communication*, 64 J. MARRIAGE & FAM. 180 (2002) (exploring reasons why studies consistently show that couples who cohabit before marriage have greater marital instability than couples who do not cohabit, and finding that couples who cohabited before marriage demonstrate worse problem solving and social support behavior compared to spouses who did not cohabit).

D. J. Eggebeene, *Cohabitation and Exchanges of Support*, 83 Soc. FORCES 1097 (2005) (analyzing data showing that cohabiting adults are much less likely to be giving support to or receiving support

from their parents, compared to their married or single non-cohabiting counterparts, suggesting that cohabiting couples may have less of a safety net of parental support).

Renata Forste, *Prelude to Marriage or Alternative to Marriage?*, 4 J.L. & FAM. STUD. 91 (2002) (reviewing research and data on cohabitation, including the longevity of cohabiting relationships, the impact of cohabitation on childbearing, and the relationship between cohabitation and demographic characteristics such as race and socioeconomic status).

Belinda Hewitt & David De Vaus, *Change in the Association Between Premarital Cohabitation and Separation, Australia 1945-2000*, 71 J. MARRIAGE & FAM. 353 (2009) (analyzing Australian survey data and finding significant changes over time in the association of premarital cohabitation and divorce, with cohabitators having a greater risk of divorce for marriages prior to 1988, but with the gap gradually decreasing over time, and the association reversing after 1988, so that those who did not cohabit began to have a greater risk of divorce than those who did cohabit).

JULIANA HOROWITZ ET AL., *MARRIAGE AND COHABITATION IN THE U.S.* (2019) (reporting the results of a Pew Research Center study on marriage and cohabitation, which found that most Americans find cohabitation acceptable, a narrow majority say society is better off if couples in long-term relationships eventually get married, and married adults report higher levels of relationship satisfaction and trust than those who are cohabiting).

Anita Jose et al., *Does Premarital Cohabitation Predict Subsequent Marital Stability and Marital Quality? A Meta-Analysis*, 72 J. MARRIAGE & FAM. 105 (2010) (finding that although cohabitation before marriage has a significant negative association with marital stability and marital quality, the negative effect on marital stability does not exist for those who cohabit with the person they eventually marry).

Claire M. Kamp Dush et al., *The Relationship Between Cohabitation and Marital Quality and Stability: Change Across Cohorts?*, 65 J. MARRIAGE & FAM. 539 (2003) (analyzing survey data suggesting that couples who cohabit before marriage fare worse in marital quality and stability than those who do not cohabit before marriage,

finding that this difference persists after controlling for other characteristics that might affect the decision about whether to cohabit, and suggesting that this lends support for the theory that premarital cohabitation adversely affects marriage outcomes).

Galena H. Kline, *Timing Is Everything: Pre-Engagement Cohabitation and Increased Risk for Poor Marital Outcomes*, 18 J. FAM. PSYCHOL. 311 (2004) (reporting the results of a study finding that couples who cohabited before marriage had lower interpersonal commitment, relationship quality, and relationship confidence than those who did not cohabit until after engagement or marriage).

Hill Kulu & Paul J. Boyle, *Premarital Cohabitation and Divorce: Support for the "Trial Marriage" Theory*, 23 DEMOGRAPHIC RSCH. 879 (2010) (analyzing data from Austria which shows that those who cohabit before marriage generally have a higher risk of marital dissolution compared to those who marry without prior cohabitation, but suggesting that this is caused by differences in the characteristics of those who cohabit and those who do not, and finding that this supports the view that premarital cohabitation actually reduces the risk of marital dissolution).

Arielle Kuperberg, *Age at Coresidence, Premarital Cohabitation, and Marriage Dissolution: 1985-2009*, 76 J. MARRIAGE & FAM. 352 (2014) (explaining that couples who cohabit before marriage have increased risk of marriage dissolution compared to those who do not live together before marriage, but a substantial part of this higher risk may be due to age differences, with cohabitation beginning at younger ages for those who live together before marriage).

Wendy D. Manning & Jessica A. Cohen, *Premarital Cohabitation and Marital Dissolution: An Examination of Recent Marriages*, 74 J. MARRIAGE & FAM. 377 (2012) (observing that many researchers have found a positive association between cohabitation and marital dissolution, but finding that newer data suggests the link between cohabitation and marital instability has diminished over time as cohabitation before marriage has become more common).

Patrick Parkinson, *Another Inconvenient Truth: Fragile Families and the Looming Financial Crisis for the Welfare State*, 45 FAM. L.Q. 329 (2011) (reviewing data on the prevalence of unmarried cohabitation, arguing that it makes families less stable, and examining

the financial impact of that instability, including the additional burden that it will place on public health and social welfare systems in the future).

Steffen Reinhold, *Reassessing the Link Between Premarital Cohabitation and Marital Instability*, 47 DEMOGRAPHY 719 (2010) (analyzing data that shows a positive relationship between premarital cohabitation and marital instability, finding that this relationship has weakened over time, and suggesting that cohabitation may not be selective of individuals with higher risk of marital dissolution).

Galena K. Rhoades et al., *Can Marriage Education Mitigate the Risks Associated with Premarital Cohabitation?*, 29 J. FAM. PSYCHOL. 500 (2015) (reporting the results of a study finding that a relationship education program reduced the association between premarital cohabitation and lower rates of marital satisfaction and dedication).

Galena K. Rhoades et al., *The Impact of the Transition to Cohabitation on Relationship Functioning: Cross-Sectional and Longitudinal Findings*, 26 J. FAM. PSYCHOL. 348 (2012) (reporting the results of a study finding that cohabiting relationships had stronger levels of commitment, but lower satisfaction, more negative communication, and more physical aggression, compared to non-cohabiting dating relationships; and finding that the transition from dating to cohabiting produces declines in relationship quality and communication).

Galena K. Rhoades, et al., *The Pre-Engagement Cohabitation Effect: A Replication and Extension of Previous Findings*, 23 J. FAM. PSYCHOL. 107 (2009) (reporting the results of a study finding that those who cohabited before engagement reported lower marital satisfaction, dedication, and confidence, and more negative communication and greater potential for divorce, compared to those who cohabited only after engagement or marriage).

Galena Kline Rhoades, Scott M. Stanley, & Howard J. Markman, *Pre-Engagement Cohabitation and Gender Asymmetry in Marital Commitment*, 20 J. FAM. PSYCH. 553 (2006) (discussing study results showing that men who cohabited before engagement were less dedicated to relationships than those who cohabited only after engagement or marriage, and suggesting that couples considering

cohabitation before engagement could benefit from discussions about interpersonal commitment and expectations about marriage).

Michael J. Rosenfeld & Katharina Roesler, *Cohabitation Experience and Cohabitation's Association with Marital Dissolution*, 81 J. MARRIAGE & FAM. 42 (2019) (finding that data on premarital cohabitation and divorce shows that couples who cohabited before marriage have lower rates of divorce in the first year of marriage but higher rates of divorce later in their marriages, suggesting that may mean couples in the early stages of marriage benefit from the practical experience of having lived together before marriage, and concluding that premarital cohabitation may have short-term benefits but long-term costs for marital stability).

Pamela J. Smock, *Cohabitation in the United States: An Appraisal of Research Themes, Findings, and Implications*, 26 ANN. REV. SOCIOLOGY 1 (2000) (reviewing past research on cohabitation and predicting the themes that will be central to future research).

Mark Strasser, *Marriage, Cohabitation, and the Welfare of Children*, 3 ALA. C.R. & C.L. L. REV. 101 (2013) (discussing the purported benefits that marriage provides for families and their children, arguing that it has been difficult for studies to prove that these benefits actually exist, suggesting reasons why studies attempting to assess the effects of marriage may not be fully capturing the indirect benefits it affords to families and children, and arguing that those who believe marriage substantially improves the well-being of families and children should support the right to same-sex marriage).

Jay Teachman, *Premarital Sex, Premarital Cohabitation, and the Risk of Subsequent Marital Dissolution Among Women*, 65 J. MARRIAGE & FAM. 444 (2003) (finding that while studies show an association between intimate premarital relationships and subsequent marital dissolution, this association does not exist for couples who eventually marry, suggesting that premarital sex and cohabitation do not necessarily weaken marriages and have become parts of the normal courtship process preceding marriage).

E. Thomson & U. Colella, *Cohabitation and Marital Stability: Quality or Commitment?*, 54 J. MARRIAGE & FAM. 259 (1992) (finding that couples who cohabited before marriage reported

lower quality marriages, lower commitment to marriage, and greater likelihood of divorce, and these effects were generally stronger for those who cohabited for longer periods of time before marriage).

Jonathan Vespa & Matthew A. Painter III, *Cohabitation History, Marriage, and Wealth Accumulation*, 48 DEMOGRAPHY 983 (2011) (presenting the results of a study of wealth accumulation, finding that marriage generally correlates positively with wealth accumulation, but individuals who marry their only cohabiting partner have a substantial wealth advantage over those who never cohabited prior to marrying).

Kenneth Aarskaug Wiik & Eva Bernhardt, *Cohabiting and Married Individuals' Relations with Their Partner's Parents*, 79 J. MARRIAGE & FAM. 1111 (2017) (analyzing data from surveys of Norwegian couples, which suggest that the most important factor determining the quality of relationships with a spouse's or cohabitant's parents is whether the couple has children, not whether the couple is married).

Lakeesha N. Woods & Robert Emery, *The Cohabitation Effect on Divorce: Causation or Selection?*, 37 J. DIVORCE & REMARRIAGE 101 (2002) (explaining that while many studies have shown that people who cohabit prior to marriage are more likely to divorce, studies controlling for factors like ethnicity, religion, and delinquency show little association between cohabitation and increased risk of divorce, supporting the view that the association between cohabitation and divorce is a result of selection effects rather than causal effects).

Children of Cohabitants

Cynthia Grant Bowman, *The Legal Relationship Between Cohabitants and Their Partners' Children*, 13 THEORETICAL INQUIRIES L. 127 (2012) (reviewing the social science literature about the welfare of children and stepchildren of cohabitants, examining the inadequate protection provided to these children under current laws, and arguing that the legal system should protect these children when necessary to avoid economic or emotional harm occurring when cohabitation ends).

Cynthia Grant Bowman, *The New Illegitimacy: Children of Cohabiting Couples and Stepchildren*, 20 AM. U. J. GENDER SOC. POL'Y & L. 437 (2012) (arguing that the children and stepchildren of cohabitants should be protected with respect to inheritance rights, government death or disability benefits, and standing to assert wrongful death claims).

Clare Huntington, *Nonmarital Families and the Legal System's Institutional Failures*, 50 FAM. L.Q. 247 (2016) (contending that family law should ensure that all families, including unmarried cohabitants, have a way to restructure their families and make the transition to a co-parenting mode when relationships end).

Joanna M. Reed, *Not Crossing the "Extra Line": How Cohabitators with Children View Their Unions*, 68 J. MARRIAGE & FAM. 1117 (2006) (analyzing qualitative interview data to examine how cohabiting couples with children view their relationships, and finding that most view cohabitation as a practical response to parenthood that enables them to coparent and share expenses without the traditional family roles they associate with marriage).

Lynn D. Wardle, *Comparative Perspectives on Adoption of Children by Cohabiting, Nonmarital Couples*, 63 ARK. L. REV. 31 (2010) (arguing in favor of an Arkansas law prohibiting unmarried cohabiting couples from adopting children, finding that such a restriction is consistent with adoption law in most other countries, asserting that social science evidence shows that children benefit from being raised by dual-gender married parents, and claiming that the legal literature on this issue reflects a strong socio-political bias in favor of extending adoption rights to same-sex couples).

MERLE H. WEINER, *A PARENT-PARTNER STATUS FOR AMERICAN FAMILY LAW* (2015) (proposing a new status within family law that would provide a core set of legal obligations between parents, whether married or not, who have a child in common).

Merle H. Weiner, *Family Law for the Future: An Introduction to Merle H. Weiner's A Parent-Partner Status for American Family Law* (Cambridge University Press 2015), 50 FAM. L.Q. 327 (2016) (introducing a proposal to create a new parent-partner status within family law that would benefit children, discourage uncommitted couples from having children, achieve greater fairness, and make the love between parents greater or more durable).

Robin Fretwell Wilson, *Evaluating Marriage: Does Marriage Matter to the Nurturing of Children?*, 42 SAN DIEGO L. REV. 847 (2005) (examining recent studies that suggested marriage provides significant advantages for a couple's children, because of the greater permanence of marital relationships and the greater extent to which a married couple makes investments in the relationship, and arguing that states can support children by having laws that support marriage).

Cohabitation Agreements

Albertina Antognini, *Nonmarital Contracts*, 73 STAN. L. REV. 67 (2021) (analyzing cases about express contracts made in non-marital relationships that end in separation, showing that courts routinely invalidate contracts made by unmarried couples, and arguing that courts restrict the right to contract within nonmarital relationships in the same manner that they restrict contracts within marriages).

Bailey D. Barnes, *Contracts for Cohabiting Romantic Partners*, 75 ME. L. REV. 101 (2023) (describing how states lack a consistent method for handling property distribution at the end of long-term unmarried cohabitation and arguing that states should enforce express cohabitation agreements and should be willing to find implied agreements to have joint property split equitably).

Emily E. Diederich, Student Work, *'Cause Breaking Up Is Hard to Do: The Need for Uniform Enforcement of Cohabitation Agreements in West Virginia*, 113 W. VA. L. REV. 1073 (2011) (reviewing the key topics addressed in cohabitation agreements, explaining the importance of these agreements, and arguing that West Virginia should uniformly enforce them).

Ashley Frankel, Note, *The Right to Palimony: Why New York Should Change Its Law to Enforce Claims Between Unmarried Cohabitants*, 20 CARDOZO J.L. & GENDER 173 (2013) (arguing for the enactment of statutes providing that palimony agreements will be enforced only if they were in writing and reviewed by an attorney).

Wendy S. Goffe, *Preparing Effective Cohabitation Agreements for Unmarried Couples*, EST. PLAN., Sept. 2007, at 7 (reviewing

variations in state law concerning cohabitation agreements, providing practical advice on drafting cohabitation agreements, and discussing the potential use of entities such as trusts or limited liability companies as alternatives to cohabitation agreements).

Jeanne M. Hannah, *The Law & Living Together*, FAM. ADVOC., Winter 2010, at 28 (providing advice on drafting cohabitation agreements, including what issues should be covered and how to ensure the agreement will be enforceable).

Elizabeth Hodges, Comment, *Will You “Contractually” Marry Me?*, 23 J. AM. ACAD. MATRIM. LAW. 385 (2010) (discussing the trend toward enforcing cohabitation agreements under contract law principles and recommending steps to increase the likelihood of an agreement being enforced).

Leslie I. Jennings-Lax & Louise T. Truax, *Co-Parenting Agreements Between Unmarried Cohabitants*, 50 FAM. L.Q. 349 (2016) (discussing the extent to which courts will enforce a parenting agreement made by unmarried cohabitants before or after the birth of a child).

Natalie T. Lorenz, *Cohabitation Agreements After the Civil Union Act*, 100 ILL. B.J. 308 (2012) (observing that Illinois is one of only three states where cohabitation agreements are not enforceable, discussing societal developments including the enactment of legislation enabling same-sex couples in Illinois to enter into civil unions, and arguing that Illinois should join the states that are willing to enforce cohabitation agreements).

Ronald W. Nelson, *Cohabitation and Premarital Agreements*, FAM. ADVOC., Summer 2023, at 37 (discussing the substantial increase in unmarried cohabitation in recent decades, describing how the transition from dating to cohabitation is often a gradual progression rather than a formal decision, and providing advice about how cohabitating couples can reduce the risks of unforeseen problems by having specific discussions and written agreements about the financial aspects of their situation).

Christina Pesoli, *Gay and Cohabiting in Texas?*, 78 TEX. B.J. 902 (2015) (suggesting that after the legalization of same-sex marriage, same-sex couples wanting to have a commitment ceremony or wedding but not actually marry should consider entering into a “no-nup” agreement, declaring that they do not want to be

deemed married, in order to avoid unintentionally obtaining the legal status of a marriage under Texas laws concerning informal marriages).

Elizabeth A. Pope, *Cohabitation: What to Do When Couples Cannot or Do Not Marry*, DBCA BRIEF, Dec. 2007, at 22 (providing practical advice on writing cohabitation agreements).

Sean Hannon Williams, *Privatized Pluralism: Branded Relationship Contracts as Non-Governmental Family Law*, 18 HARV. L. & POL'Y REV. 345 (2024) (observing that judges and legislatures have not done enough to reform family law in ways that promote the recognition and acceptance of diverse family structures, and proposing that a privatized and decentralized solution would be for non-profits or other entities to create standard relationship contracts such as prenuptial or cohabitation agreements, which would enable couples to choose family law regimes that match their preferences).

Cohabitation in Older Age

Susan L. Brown et al., *Cohabitation Among Older Adults: A National Portrait*, J. GERONTOLOGY, Mar. 2006, at S71 (2006) (presenting a descriptive statistical portrait of older adult cohabitators, comparing them to older individuals who remarry or remain unpartnered after being widowed or divorced, and finding that cohabitators have disadvantages in economic resources, health, and social relationships).

Molshree A. Sharma, *New Beginnings: The Legal Implications of Remarriage Versus Cohabitation*, FAM. ADVOC., Spring 2023, at 25 (providing an update to a 2017 article on the pros and cons of marriage versus cohabitation for older people, with coverage of additional issues such as the impact of the COVID-19 pandemic).

Molshree A. Sharma, *The Second Time Around: The Legal Implications of Remarriage Versus Cohabitation*, FAM. ADVOC., Winter 2017, at 34 (assessing the legal pros and cons of marriage versus cohabitation for older people, particularly those with a previous marriage and divorce, including the impact of marriage and cohabitation on college financial aid, employee benefits, inheritance, taxes, health care coverage, and maintenance obligations from previous marriages).

Common Law Marriage

Tom Andrews, *Not So Common (Law) Marriage: Notes from a Blue State*, 6 EST. PLAN. & CMTY. PROP. L.J. 1 (2013) (suggesting that although Texas continues to allow common law marriages, it could benefit from adopting Washington's approach to recognizing property interests arising in committed intimate relationships for situations where the strict requirements for common law marriage are not satisfied).

Sonya C. Garza, *Common Law Marriage: A Proposal for the Revival of a Dying Doctrine*, 40 NEW ENG. L. REV. 541 (2006) (arguing that while the legal doctrine of common law marriage has been fading away, it should be revived as a means of recognizing and protecting the rights of unmarried cohabitants).

Charlotte K. Goldberg, *The Schemes of Adventuresses: The Abolition and Revival of Common-Law Marriage*, 13 WM. & MARY J. WOMEN & L. 483 (2007) (tracing the history in California of common law marriage and other legal theories that could create property rights for unmarried cohabitants or others in intimate committed relationships).

GÖRAN LIND, *COMMON LAW MARRIAGE: A LEGAL INSTITUTION FOR COHABITATION* (2008) (examining the history of common law marriage, analyzing the requirements for common law marriage in current American law, and weighing the arguments for and against this legal doctrine in light of decreasing marriage rates and increasing cohabitation rates).

John L. McCormack, *Title to Property, Title to Marriage: The Social Foundation of Adverse Possession and Common Law Marriage*, 42 VAL. U. L. REV. 461 (2008) (analyzing the parallels between common law marriage and adverse possession of property, which are both doctrines permitting practical realities existing for an extended length of time to cure formal defects in legal status, and suggesting that contemporary trends and attitudes toward unmarried cohabitation are in harmony with common law marriage).

Raymond C. O'Brien, *Marital Versus Nonmarital Entitlements*, 45 ACTEC L.J. 79 (2020) (discussing the lack of fully developed legal rules governing property distribution issues for unmarried

cohabitants at the end of relationships or when deaths occur, and suggesting that reviving the concept of common-law marriage may offer a remedy that is superior to enactment of legislation).

Sarah Primrose, *The Decline of Common Law Marriage & the Unrecognized Cultural Effect*, 34 WHITTIER L. REV. 187 (2013) (discussing the gradual demise of common law marriage and arguing that the doctrine still has benefits, particularly for women and minorities, which should not be overlooked).

Rebecca Probert, Book Review, *Common Misunderstandings*, 43 FAM. L.Q. 587 (2009) (reviewing GÖRAN LIND, COMMON LAW MARRIAGE: A LEGAL INSTITUTION FOR COHABITATION (2008), critiquing its analysis of the history of American common law marriage, and questioning its argument that legal reforms should focus on promoting marriage rather than developing common law marriage as a means of dealing with modern cohabitation).

Morgan E. Spires, *Tying the “Not”: The South Carolina Supreme Court’s Prospective Abolishment of Common Law Marriage*, 71 S.C. L. REV. 905 (2020) (analyzing the impact of South Carolina’s elimination of common law marriage and arguing that it has unjust results for cohabiting couples with a good faith belief that the doctrine of common law marriage would ratify a formal marriage that turned out to have technical defects).

Brenda L. Storey, *Defending Against a Common Law Marriage Claim*, COLO. LAW., Mar. 2005, at 69 (examining the elements required to establish the existence of a common law marriage and providing practical advice on how to develop an effective defense, along with suggestions for procedures and discovery to strengthen the defense).

Criminal Justice and Evidentiary Issues

Joseph Blocher & Maisie Wilson, *Living with Guns: Legal and Constitutional Considerations for Those Cohabiting with Temporarily Prohibited Possessors*, 35 J. AM. ACAD. MATRIM. LAW. 47 (2022) (analyzing whether a firearm owner can face legal liability for cohabitating with a person who is temporarily prohibited from having a gun because of an emergency risk protection order or domestic violence restraining order).

Julia L. Cardozo, Comment, *Let My Love Open the Door: The Case for Extending Marital Privileges to Unmarried Cohabitants*, 10 U. MD. L.J. RACE RELIG. GENDER & CLASS 375 (2010) (discussing the trend toward giving greater legal recognition to the relationships of unmarried cohabitants for various legal purposes, and arguing that the marital communications privilege applicable to married couples in criminal cases should be extended to cover unmarried cohabitants in some circumstances, but arguing that the costs of applying the adverse testimonial privilege to unmarried cohabitants exceeds the benefits of doing so).

Katherine M. Forbes, Note, *Time for a New Privilege: Allowing Unmarried Cohabiting Couples to Claim the Spousal Testimony Privilege*, 40 SUFFOLK U. L. REV. 887 (2007) (contending that changing attitudes toward cohabitation may support the extension of the spousal testimony privilege to unmarried cohabiting couples).

Mark Glover, *Evidentiary Privileges for Cohabiting Parents: Protecting Children Inside and Outside of Marriage*, 70 LA. L. REV. 751 (2010) (discussing the shift in social attitudes toward unmarried cohabitation and proposing the creation of a new evidentiary privilege that would protect unmarried couples who share a home with a child).

Foreign and International Perspectives

Bill Atkin, *The Challenge of Unmarried Cohabitation—The New Zealand Response*, 37 FAM. L.Q. 303 (2003) (discussing New Zealand's response to increases in the number of unmarried couples cohabiting and having children, including New Zealand's adoption of legislation giving all children equal status regardless of whether their parents married, New Zealand courts' creative development of legal rules to resolve property disputes arising from unmarried cohabitation, and the passage of statutes giving equal treatment to all married and unmarried couples for property and succession matters).

Nicholas Bala, *Common Law Marriage in Common Law Canada: Legislatures and Courts Recognize "Marriage-Like" Relationships*, 44 Hous. J. INT'L L. 287 (2022) (examining the legal approach to cohabitation and the movement to give equal treatment to long-term

cohabitation and marriage in the parts of Canada that are predominantly English-speaking and have a common law heritage).

London S. Ballard, Comment, *Unmarried Cohabitants: How the United States Is Still Not Protecting Same-Sex Couples*, 20 OR. REV. INT'L L. 275 (2018) (comparing the legal frameworks that govern unmarried cohabitants' property rights in the United States and other countries including Denmark, Norway, Sweden, Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Australia, France, Belgium, and Canada).

Alan Brown, *The Legal Regulation of Cohabitation in Scotland: A Failed Attempt at Compromise*, 44 HOUS. J. INT'L L. 221 (2022) (examining the legislation enacted in Scotland in 2006 to provide legal rights for cohabitants, the aspects of the legislation that have been the subject of judicial interpretation and sustained academic criticism, and the ongoing law reform project of the Scottish Law Commission).

Jackie M. Burkhardt, Note, *The Perils of Cohabitation: The Unmarried Father's Struggle for Rights in Ireland*, 9 WASH. U. GLOBAL STUD. L. REV. 2010 (arguing that unmarried cohabiting fathers in Ireland should have equal rights to guardianship and joint custody of their children).

Ji Hyun Kim, Scott A. Oliver & Margaret Ryznar, *The Rise of PACS: A New Type of Commitment from the City of Love*, 56 WASHBURN L.J. 69 (2016) (comparing legal approaches to cohabitation in the United States and France, and analyzing the impact of France's adoption of the Pacte Civil de Solidarite (PACS), which is a written agreement entered by a cohabiting couple and registered in a court).

Robert Leckey, *Cohabitation Law in Quebec: Confusing, Incoherent, and Unjust*, 44 HOUS. J. INT'L L. 331 (2022) (criticizing the legal approach to unmarried cohabitation in Quebec, which is the only part of Canada relying primarily on civil law inherited from France, and the only part of Canada that has not given unmarried cohabitants any of the reciprocal rights and obligations of a marriage or civil union).

Robert Leckey, *Differences in a Minor Archive: Feminist Activists and Scholars on Cohabitation*, 70 AM. J. COMP. L. 364 (2022)

(comparing scholarly and activist texts written by women regarding appropriate policies on unmarried cohabitation in Canada, analyzing differences between this literature concerning Quebec and the text concerning the other Canadian provinces and territories, and drawing lessons for comparative legal scholars).

Pascoe Pleasence & Nigel J. Balmer, *Ignorance in Bliss: Modeling Knowledge of Rights in Marriage and Cohabitation*, 46 L. & Soc'y REV. 297 (2012) (discussing the results of a study of what people in the United Kingdom know about legal rights arising from cohabitation and marriage, finding that public beliefs about law are frequently wrong, assessing obstacles to accurate public understanding of law, and considering what public attitudes may suggest about the future of cohabitation and marriage law in the United Kingdom and elsewhere).

R.J. Probert, *A Review of Cohabitation: The Financial Consequences of Relationship Breakdown*, Law Com. No. 307 (HMSO 2007), 41 FAM. L.Q. 521 (2007) (analyzing the final report and proposed reforms of the Law Commission for England and Wales on the legal principles that apply when a cohabiting relationship comes to an end).

Margaret Ryznar & Anna Stepień-Sporek, *Cohabitation Worldwide Today*, 35 GA. ST. U. L. REV. 299 (2019) (analyzing the legal framework for property issues arising from cohabitation in the United States and Poland).

Anna Stepień-Sporek & Margaret Ryznar, *The Consequences of Cohabitation*, 50 U.S.F. L. REV. 75 (2016) (comparing the legal frameworks regulating cohabitation in the United States and European countries and arguing that reforms should seek to clarify the legal status of marriage and protect vulnerable parties rather than establishing a new type of family law relationship or institution).

Anna Stepień-Sporek & Margaret Ryznar, *The Legal Treatment of Cohabitation in Poland and the United States*, 79 UMKC L. REV. 373 (2010) (discussing similarities in how Poland and the United States have dealt with the legal rights of unmarried cohabitants, with neither country's family law having comprehensive sets of legal principles concerning cohabitation, and both countries instead resolving issues collaterally under other areas of law such as paternity and contract law).

Orsolya Szeibert, *Chapter 13 Marriage and Cohabitation in the New Hungarian Civil Code—Answering the New Challenges*, 63 IUS GENTIUM 73 (2017) (explaining how Hungarian law treats cohabitation, with relationships recognized under family law only if the cohabitants have a common child and live together for at least one year).

Annie Y. Wang, *Unmarried Cohabitation: What Can We Learn from a Comparison Between the United States and China?*, 41 FAM. L.Q. 197 (2007) (comparing the historical and contemporary legal approaches to unmarried cohabitation in the United States and China, evaluating contract-based, status-based, and functional approaches to the issue in each country, and arguing in favor of a functional approach with sufficient flexibility to recognize cohabitation relationships that are the functional equivalents to marital relationships).

Legal Status of Unmarried Partners

Albertina Antognini, *The Law of Nonmarriage*, 58 B.C. L. REV. 1 (2017) (analyzing how law mediates relationships between unmarried individuals, arguing that courts draw the line between marriage and nonmarriage inconsistently when allocating property rights, and suggesting that law should move beyond the marriage-nonmarriage dyad).

Albertina Antognini, *Nonmarital Coverture*, 99 B.U. L. REV. 2139 (2019) (examining how intimate relationships and property issues continue to be intertwined, and arguing that although the legal concept of coverture may seem obsolete, cases about distribution of the property of unmarried couples perpetuate key features of coverture, with courts continuing to make assumptions about the roles that wives should play and refusing to distribute property to those who fulfill those roles).

Steven K. Berenson, *Should Cohabitation Matter in Family Law?*, 13 J.L. & FAM. STUD. 289 (2011) (arguing that cohabiting relationships are not monolithic and vary substantially in the extent to which they resemble marital-type relationships, observing that increasing numbers of commuter marriages show that cohabitation is not an essential aspect of a bona fide marriage, and arguing that cohabitation should no longer be recognized as legally

determinative in family law and instead it should just be considered one of many factors in determining which relationships deserve the legal treatment traditionally provided to marriages).

Cynthia Grant Bowman, *Social Science and Legal Policy: The Case of Heterosexual Cohabitation*, 9 J.L. & FAM. STUD. 1 (2007) (examining social scientific findings about unmarried cohabitation and arguing that extending the legal protections and benefits of marriage to cohabitants will not harm the institution of marriage and instead will help cohabitants and their children by stabilizing relationships and increasing their likelihood of transitioning into marriages).

Naomi Cahn & June Carbone, *Blackstonian Marriage, Gender, and Cohabitation*, 51 ARIZ. ST. L.J. 1247 (2019) (arguing that the legal characterization and regulation of relationships should be based on the nature of the relationships, without an assumption that non-marital relationships and marital ones should generate the same legal consequences).

Kent J. Coupé, Comment, *Leaving “Concubines” Behind in Louisiana: A State’s Inapt, Inept, and Retrogressive Bar on Unmarried Cohabiting Partners Receiving Workers’ Compensation Death Benefits*, 69 LOYOLA L. REV. 289 (2022) (examining how Louisiana courts shifted toward allowing unmarried cohabiting partners to receive workers’ compensation death benefits, criticizing revisions to the death benefits statute made by the Louisiana legislature in 2012, and proposing solutions that would achieve the purposes of the workers compensation system and account for the contemporary reality of families).

J. Herbie DiFonzo, *How Marriage Became Optional: Cohabitation, Gender, and the Emerging Functional Norms*, 8 RUTGERS J.L. & PUB. POL’Y 521 (2011) (discussing the dramatic increase in cohabitation, exploring how gender continues to play a prominent role in how couples relate to each other and to society, and explaining how the increase in cohabitation is part of a broader shift away from having marriage and biological or adoptive bonds with children be the exclusive determinants of family connections and toward the use of functional norms for determining family composition and resolving family disputes).

William C. Duncan, *The Social Good of Marriage and Legal Responses to Non-Marital Cohabitation*, 82 OR. L. REV. 1001 (2003)

(reviewing social science research on the impact of unmarried cohabitation, arguing that this research provides strong evidence that marriage has social benefits, and suggesting that this shows it may be unwise to expand legal recognition for cohabitation).

Ann Laquer Estin, *Ordinary Cohabitation*, 76 NOTRE DAME L. REV. 1381 (2001) (discussing the legal and social norms that have evolved since the landmark decision in *Marvin v. Marvin*, and arguing that the law has not changed as much as social practices, leaving most cohabitants without legal rights or obligations when relationships end).

Marsha Garrison, *Is Consent Necessary? An Evaluation of the Emerging Law of Cohabitant Obligation*, 52 UCLA L. REV. 815 (2005) (arguing that cohabitation and marriage are substantially different in important respects, cohabitation is more likely to serve as a functional substitute for being single rather than for marriage, contract law provides an adequate basis for establishing legal rights for cohabitants, and therefore the law should not falsely signal that marriage and cohabitation are equivalent by shifting to an approach that bases the obligations of cohabitants on status rather than contractual agreements).

Kathleen A. Hogan, *Same-Sex Marriage and Cohabitation—The Legal Issues*, FAM. ADVOC., Winter 2010, at 4 (introducing an issue containing articles on constitutional and other legal questions arising in the debate over same-sex marriage and cohabitation by unmarried opposite-sex couples).

Courtney G. Joslin, *Autonomy in the Family*, 66 UCLA L. REV. 912 (2019) (arguing that conventional legal doctrine, which treats unmarried cohabitants as having no legal rights arising from their relationship unless they agree to create such rights, is supposed to serve the goal of respecting people's choices about family forms, but it actually undermines that goal because choices about family forms are not meaningful unless the law recognizes a range of different types of families).

Pamela Laufer-Ukeles & Shelly Kreiczer-Levy, *Family Formation and the Home*, 104 KY. L.J. 449 (2015-2016) (examining the relevance of home sharing in current law, reimagining how the recognition of alternative and diverse familial forms could account for the impact of the home in centering family life, and assessing

the drawbacks to over-reliance on the home in legally defining families).

Margaret M. Mahoney, *Forces Shaping the Law of Cohabitation for Opposite Sex Couples*, 7 J.L. & FAM. STUD. 135 (2005) (analyzing factors that have slowed the development of a legal status for unmarried cohabitants, including moral and social disapproval of unmarried cohabitation, criminalization of unmarried cohabitation, respect for the autonomy of couples who choose not to marry, fear that giving legal status to unmarried cohabitation would undermine marriage, and concerns that giving legal recognition to nonformalized cohabiting relationships would require difficult case-by-case determinations about which couples qualify for that recognition).

J. Thomas Oldham, *Introduction to Cohabitation Issue*, 44 HOUS. J. INT'L L. xi (2022) (introducing a symposium issue containing articles on cohabitation and summarizing the issues that arise concerning the rights of cohabitants, including whether cohabitants should have some or all of the status-based rights of married people).

Elizabeth S. Scott, *Marriage, Cohabitation and Collective Responsibility for Dependency*, 2004 U. CHI. LEGAL F. 225 (arguing that marriage provides benefits justifying its legally privileged status, but long-term cohabiting relationships should be subject to a default rule framework that presumes marriage-like expectations about property and support).

Lawrence W. Waggoner, *Marriage Is on the Decline and Cohabitation Is on the Rise: At What Point, If Ever, Should Unmarried Partners Acquire Marital Rights?*, 50 FAM. L.Q. 215 (2016) (discussing the increasing number of unmarried cohabitating couples, examining the shift in other countries such as Australia and Canada toward treating these relationships as de facto marriages, and arguing that the United States should follow this trend and extend the legal benefits and obligations of marriage to cohabitating couples who are deeply committed to one another).

Brittanie Wagnon, Comment, *From Wedding Bells to Working Women: Unmasking the Sexism Resulting from "Illicit Concubinage" in Louisiana's Jurisprudence*, 76 LA. L. REV. 1383 (2016) (arguing that Louisiana's legal treatment of unmarried cohabiting couples is archaic, based on sexist biases, and unfairly discriminates against cohabitants).

Property Interests and Financial Rights of Cohabitants

Tom Andrews, *Cohabiting with Property in Washington: Washington's Committed Intimate Relationship Doctrine*, 53 GONZ. L. REV. 293 (2017-2018) (examining court decisions and unanswered questions relating to community property of those in committed intimate relationships in Washington).

Jamie R. Ballard, Comment, *Property Rights (or Lack Thereof) of Unmarried Cohabitants in Mississippi*, 29 MISS. C. L. REV. 613 (2010) (arguing that Mississippi should adopt remedies, based on unjust enrichment and constructive trust concepts, for unmarried cohabitants who seek to equitably divide property jointly accumulated during the relationship).

Frank S. Berall, *Estate Planning for Cohabiting Unmarried Couples*, 44 EST. PLAN. 31 (2017) (explaining why estate planning can be more complicated for unmarried couples and reviewing basic issues that arise, including issues concerning children, estate taxes, and ownership of property).

Karen Boxx, Terry Price & Joseph Janes, *Beyond Marvin v. Marvin: How Washington Leads the Way in Protecting Unmarried Cohabitants*, 100 WASH. L. REV. 29 (2025) (discussing the development of Washington's committed intimate relationship doctrine, which permits unmarried couples to obtain equitable property settlements, and how Washington's approach compares to common law marriage and the protections afforded to cohabitants in other states and under the newly promulgated Uniform Cohabitants' Economic Remedies Act).

Patricia A. Cain, *Taxation of Unmarried Partners*, 99 WASH. U. L. REV. 1931 (2022) (arguing that the lack of clear rules for taxation of unmarried cohabiting couples produces uncertainty and inconsistent treatment of similarly situated couples).

Ana Mitchell Córdova, Comment, *First Comes Love, Then Comes Marriage: Cohabitation as a Framework for Conflicts Between Community Property and Common Law Marriage*, 14 EST. PLAN. & CMTY. PROP. L.J. 293 (2021) (discussing issues created by the interplay of community property and common law marriage in Texas, including questions about whether the

Supreme Court's decisions legalizing same-sex marriage would apply retroactively or prospectively and how that would affect property distribution).

Stefanie L. Ferrari, *Cohabitation in Illinois: The Need for Legislative Intervention*, 93 CHI.-KENT L. REV. 561 (2018) (criticizing the Illinois Supreme Court's failure to recognize equitable or contract-type rights for unmarried cohabitants and arguing that the Illinois legislature should enact a statutory scheme allowing unmarried cohabitants to make enforceable agreements regarding their property and financial rights).

Orit Gan, *Nonmarital Contract Law*, 76 RUTGERS U. L. REV. 663 (2024) (arguing for the development of a body of contract law tailored to the interests and needs of nonmarital partners, because American law generally regulates the rights of unmarried cohabitants through contract law, but traditional contract law is not well suited to cover intimate relationships between romantic partners).

Marsha Garrison, *Nonmarital Cohabitation: Social Revolution and Legal Regulation*, 42 FAM. L.Q. 309 (2008) (observing that courts and legislatures have been cautious about expanding palimony or other rights for nonmarital cohabitants, and arguing that this caution is justified by research showing that cohabitation is usually brief and transitional, cohabitation is more common among people less likely to have disputes over financial issues because they lack substantial wealth, and cohabiting couples typically value independence and split expenses rather than supporting one another or pooling their resources).

Adam C. Hartmann, Comment, *The Yellow Brick Road to Nowhere: California Same-Sex Marvin Rights After Proposition 8*, 14 CHAPMAN L. REV. 483 (2011) (suggesting that the debate over same-sex marriage reveals the broader problem that California lacks adequate provisions for resolving property issues between unmarried cohabitants).

Margaret W. Hickey, *Estate Planning for Cohabitants*, 22 J. AM. ACAD. MATRIM. LAW. 1 (2009) (discussing the use of cohabitation agreements and traditional estate planning tools that unmarried couples can use to achieve the results they want for their property after their deaths).

Candace Saari Kovacic-Fleischer, *Cohabitation and the Restatement (Third) of Restitution & Unjust Enrichment*, 68 WASH. & LEE L. REV. 1407 (2011) (discussing how the Restatement (Third) of Restitution & Unjust Enrichment rejected outdated moralistic views and took a modernized approach to legal rules concerning cohabitants).

Alexander C. Morey & Dixie Grossman, *Property Rights of Unmarried Cohabitants—Nothing New Under the Sun*, 25 J. AM. ACAD. MATRIM. LAW. 87 (2012) (reviewing the history of unmarried cohabitation in America and the various approaches states have taken when assessing unmarried cohabitants' property claims).

William A. Reppy, Jr., *Choice of Law Problems Arising When Unmarried Cohabitants Change Domicile*, 55 SMU L. REV. 273 (2002) (discussing the choice of law issues that arise when an unmarried couple cohabits in one state but then one or both move to another state and the relationship ends, observing that these issues are more complex and uncertain than for married couples, and suggesting several different legal theories that can be used to resolve these issues).

E. Gary Spitko, *Integrated Nonmarital Property Rights*, 75 SMU L. REV. 151 (2022) (proposing that an “accrual adaptor” approach should be used to determine the property rights of unmarried couples at dissolution of their relationships and at death, with the rights of unmarried committed partners gradually increasing with the length of time of their cohabitation).

Mark Strasser, *Determining Marriage Length in Support Calculations: Should Cohabitation Count?*, 30 J.L. & POL'Y 396 (2022) (discussing whether periods of premarital cohabitation should be counted when judges consider the longevity of a marriage when deciding how much spousal support to award at the time of divorce, and focusing on how courts in some states have prioritized reaching equitable results in individual cases over establishing principles applied consistently across all situations).

Thomas Szott, Case Note, *Property Law—He Buys the House and She Keeps Half: The Wyoming Supreme Court's Approach to Cohabitation and Cotenancy*, 12 WYO. L. REV. 165 (2012) (discussing Wyoming's approach to the question of whether cohabitants who own property as tenants in common should be deemed to

share the property equally, even if one contributed substantially more money toward acquiring the property).

Keeva Terry, *Divorce Without Marriage: Taxing Property Transfers Between Cohabiting Adults*, 89 U. CIN. L. REV. 882 (2021) (proposing an interdisciplinary approach to the taxation of property transfers related to the dissolution of cohabiting relationships, under which cohabiting adults would not automatically be treated like married couples or like unrelated strangers, and instead a transfer would be treated as a nontaxable division of property between co-owners if it was deemed to be a division of property interests under state law).

Brett R. Turner, *Premarital Cohabitation*, EQUITABLE DISTRIB. J., Apr. 2003, at 37 (providing a detailed review of the varying approaches that states have taken to the issue of how equitable distribution principles apply to a period of time when a couple cohabited prior to marrying).

Protection Against Marital Status Discrimination

Helen M. Alvaré, *Is This Any Way to Make Civil Rights Law? Judicial Extension of “Marital Status” Nondiscrimination to Protect Cohabitants*, 17 GEO. J.L. & PUB. POL’Y 247 (2019) (arguing that courts and government agencies have stretched to apply laws prohibiting marital status discrimination to unmarried cohabiting couples, but their decisions do not adequately take into account the social welfare issues raised by cohabitation or the need to protect religious freedom).

Connor Clegg, Note, *Closing the Door on Anti-Cohabitation Policies: Marital Status Protections for Unmarried Couples*, 2020 WIS. L. REV. 1321 (calling for the Wisconsin Supreme Court to reconsider its determination that a landlord’s refusal to rent to an unmarried couple does not constitute marital status discrimination).

Courtney G. Joslin, *Discrimination in and out of Marriage*, 98 B.U. L. REV. 1 (2018) (examining the history of marital status advocacy and how it primarily sought to address discrimination between spouses within marriages, rather than the privileging of marriage over nonmarriage).

Courtney G. Joslin, *Marital Status Discrimination 2.0*, 95 B.U. L. REV. 805 (2015) (providing an overview of laws prohibiting marital status discrimination and recommending the expansion of these laws to cover discrimination against those living in nonmarital families, including nonmarital cohabitants and nonmarital parents).

Deborah A. Widiss, *Intimate Liberties and Antidiscrimination Law*, 97 B.U. L. REV. 2083 (2017) (discussing whether antidiscrimination protections related to intimacy, including laws prohibiting discrimination against nonmarital cohabitants, can be enforced despite objections based on religious beliefs).

Terminating Spousal Maintenance Based on Cohabitation

Theresa Bea & Mike Coulette, *The Cohabitation Conundrum*, BENCH & B. MINN., Jan. 2017, at 16 (explaining the analysis that courts should undertake in applying Minnesota's new statute permitting the modification or termination of spousal maintenance obligations when the recipient spouse cohabits with another person).

Gregory Borman, *The Problem of Post-Dissolution Cohabitation by Alimony Recipients*, 22 J. CONTEMP. LEGAL ISSUES 563 (2014-2015) (arguing that unmarried cohabitation by an alimony recipient should be a significant factor when courts decide whether to terminate or reduce an alimony award).

Melanie B. Eck, Comment, *Alimony, Alimony Payin' Your Bills: Rethinking the Termination of Maintenance for Cohabiting Under Illinois Law*, 70 DEPAUL L. REV. 667 (2021) (explaining how Illinois is one of the few states where the obligation to pay spousal maintenance can be terminated on the ground that the recipient spouse cohabits with another person, discussing the Illinois courts' decisions defining cohabitation and de facto marriage, and arguing that treating cohabitation as a terminating event for spousal maintenance creates unfairness and hardship).

Robert A. Epstein, *A Review of Cohabitation Law in a Post-Amendment Landscape*, N.J. LAW., Feb. 2018, at 16 (reviewing case law in New Jersey, after the enactment of a statute defining cohabitation, in situations where a party seeks to modify or terminate

alimony on the ground that the recipient spouse's cohabitation has reduced the financial need for alimony).

Daniel Lieb, *In re Marriage of Leib: The Supported Spouse as Unmarried Cohabitant*, 20 J. CONTEMP. LEGAL ISSUES 301 (2011-2012) (discussing a significant California decision about application of the statutory presumption that a cohabiting person has a reduced need for support from their former spouse).

Emily M. May, Note, *Should Moving in Mean Losing Out? Making a Case to Clarify the Legal Effect of Cohabitation on Alimony*, 62 DUKE L.J. 403 (2012) (discussing the primary justifications for alimony and arguing that when courts and legislatures decide whether an ex-spouse's cohabitation with a new partners should affect the receipt of alimony payments, their decisions should be based on sound social-science data concerning cohabitation and tailored to reflect the state's underlying rationales for having alimony).

Kathleen M. Newman, *Cohabitation and Spousal Maintenance Revisited*, BENCH & B. MINN., Apr. 2021, at 20 (discussing legislation enacted in Minnesota in 2016, which added cohabitation as a ground for modifying spousal maintenance, and examining the first published court decision interpreting the legislation).

Stasia Rudiman, *Alimony and Cohabitation from Then to Now*, 22 J. CONTEMP. LEGAL ISSUES 568 (2014-2015) (examining the impact of California law's presumption that cohabitation by a supported ex-spouse reduces the need for support and justifies the reduction or termination of support, discussing the lack of a clear definition of cohabitation, and arguing that that California courts have welcomed the opportunity to exercise discretion and decide what constitutes cohabitation on a case-by-case basis).

Cynthia Lee Starnes, *I'll Be Watching You: Alimony and the Cohabitation Rule*, 50 FAM. L.Q. 261 (2016) (examining the impact of legal rules that make cohabitation a ground for termination, suspension, or reduction of alimony, and arguing that these rules should be abandoned or the definition of cohabitation should be narrowed to cover only relationships that generate marital rights and responsibilities under state law).

Alexis M. Zimmer, Note, *Spousal Maintenance and Cohabitation: Minnesota Should Shack up with a Need-Based Approach*, 50

MITCHELL HAMLINE L. REV. 810 (2024) (analyzing a recent amendment to Minnesota's spousal maintenance statute, which permits modification of spousal maintenance payments if the recipient spouse cohabits with a new partner, and arguing that Minnesota courts should focus on economic, need-based factors to achieve a fair balance of the interests of both parties to a spousal maintenance arrangement).

Uniform Cohabitants' Economic Remedies Act

Barbara Atwood & Naomi Cahn, *Nonmarital Cohabitants: The US Approach*, 44 Hous. J. INT'L L. 191 (2022) (assessing the legal status of nonmarital cohabitation in the United States, describing how the law concerning cohabitants' economic rights developed in a piecemeal fashion through judges' decisions, and discussing the development of a uniform law concerning these rights).

Barbara Atwood & Naomi Cahn, *The Uniform Cohabitants' Economic Remedies Act: Codifying and Strengthening Contract and Equity for Nonmarital Partners*, 57 FAM. L.Q. 1 (2023-2024) (discussing the development of the Uniform Cohabitants' Economic Remedies Act, the policy choices made by the Uniform Law Commissioners when drafting it, and the intended operation of the uniform statute).

Laura W. Morgan, *The Uniform Cohabitants' Economic Remedies Act (2021)*, 36 J. AM. ACAD. MATRIM. LAW. 129 (2023) (reviewing the provisions of the Uniform Cohabitants' Economic Remedies Act and arguing that it provides clarity and a valuable structural framework for cohabitants' contractual and equitable claims).