

COMMON-LAW MARRIAGE GUIDELINES

A common-law marriage relationship is defined as two adults of the opposite sex who have chosen to share their lives in an intimate and committed relationship, reside together and share mutual obligations of support for the basic necessities of life. To be recognized as a qualified common-law relationship, the two individuals must attest to the fact that they are (1) living together; (2) mutually responsible for the costs of basic living expenses (financially interdependent); (3) not related by blood to a degree that would prohibit marriage; and (4) are age 18 or older.

To document that the partners reside together, the parties must provide evidence such as: (1) lease, deed, or mortgage showing both partners as parties to the transaction; (2) drivers' licenses for both partners showing the same address; (3) utility bills showing the same address; and/or (4) passports for both partners showing the same address.

To document that both partners are financially interdependent, the partners must provide evidence such as: (1) joint checking account; (2) credit cards with the same account number in both names; (3) copy of the most recent tax year federal tax return filed "married filing jointly: or "married filing separately," and/or (4) joint wills.

Common-law marriage constitutes a legal marriage contract between partners who meet state-specific requirements for a valid marriage. When a common-law marriage exists, the couple must go through a formal divorce to end the relationship.