

COMMON-LAW MARRIAGE GUIDELINES

A common-law marriage relationship is defined as two adults 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.

Responsibilities of Common Law marriage

- 1) Common Law is a legally recognized marriage. You must refer to your partner as a spouse.
- 2) If you separate, you are responsible to go through the process of legal separation and/or divorce.
- 3) You must notify Employee Benefits of any Life Event change (divorce, marriage, birth of child, etc.) within 31 days of event date.
- 4) If you wish to add a new spouse in the future, you will have to provide proof of divorce for the Common-Law spouse. Employee Benefits will not add a new spouse without documentation that your prior Common-Law spouse is no longer your legal spouse.

Common Law Checklist

INSTRUCTIONS: Complete and attach to documents provided. Scan packet into employees file.

Signed Attestation

Date parties acknowledge a Common-Law marriage _____

Proof of joint residence

Received

Rental Agreement/Mortgage

Other (specify) _____

Proof of financial interdependence

Received

Joint Bank Accounts/Loans

Utility Bills

Other (specify) _____

Verbal counseling of responsibilities of Common Law marriage (provide copy):

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Employee Signature: _____

Date: _____

Received By: _____

Date: _____

To be completed by Employee Benefits staff:

APPROVED-Effective Date: _____

DENIED

Signature: _____

Date: _____

Employee Copy

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