

COMMON LAW MARRIAGE

THE MYTH: There is a common misperception that if you live together for a certain length of time (seven years is what many people believe), you are common-law married. This is not true anywhere in the United States.

STATES THAT RECOGNIZE COMMON LAW MARRIAGE:

Only a few states recognize common law marriages:

Alabama

Colorado

Georgia (if created before 1/1/97)

Idaho (if created before 1/1/96)

Iowa

Kansas

Montana

New Hampshire (for inheritance purposes only)

Ohio (if created before 10/10/91)

Oklahoma (possibly only if created before 11/1/98. Oklahoma's laws and court decisions may be in conflict about whether common law marriages formed in that state after 11/1/98 will be recognized.)

Pennsylvania (if created before 1/1/05)

Rhode Island

South Carolina

Texas

Utah

Washington, D.C.

IF YOU LIVE IN A STATE THAT DOES NOT RECOGNIZE COMMON LAW MARRIAGE, there is no way to form a common law marriage, no longer how long you live with your partner. There is one catch: if you spend time in a state that does recognize common law marriage, “hold yourself out as married”, and then return or move to a state that doesn’t recognize it, you are still married (since states all recognize marriages that occurred in other states). However, this is murky legal territory and we don’t recommend experimenting with it!

(Source: www.unmarried.org – Common Law Marriage Fact Sheet)