

## Affidavit of Common Law Marriage

\_\_\_\_\_  
Employee ID

\_\_\_\_\_  
Employee's Name (please print)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Spouse's Name (please print)

\_\_\_\_\_  
Social Security Number

The concept of common law marriage is recognized by certain states throughout the US. Typically, the necessary elements are co-habitation, declaration of marriage, and representation of yourselves as husband and wife to a third party. Couples claiming common law marriage should be aware that there is no such thing as a common law divorce. A common law spouse may be entitled to distribution of property, support, and/or maintenance. Please be advised that many states view common law marriage as a legal institution. Therefore, termination of a common law marriage can only be accomplished through a court of law.

**We, the undersigned, attest to the following facts:**

1. On, \_\_\_\_\_ (month & day) , \_\_\_\_\_ (year) we agreed to live as husband and wife and have co-habited since that time.
2. We profess to be husband and wife, and we hold ourselves out to the community as being married.
3. We are eighteen years of age or older.
4. There is no legal impediment to our marriage, including but not limited to, a prior marriage of either party that has not been legally terminated by death or divorce.
5. We understand that this agreement can be terminated only through death or legal divorce proceedings.
6. We represent that the information contained herein is true and complete to the best of our knowledge.

Signature: \_\_\_\_\_  
Common Law Wife

\_\_\_\_\_  
Date

Signature: \_\_\_\_\_  
Common Law Husband

\_\_\_\_\_  
Date

## Affidavit of Common Law Marriage (cont'd)

### Supporting documentation:

•If you were common law married in the year before this affidavit was made or before, attach a copy of your federal income tax return(s) for last year as evidence that you represented yourselves as husband and wife to a third party (in this case the Internal Revenue Service).

•If you were common law married in the year in which this affidavit is made, attach to this affidavit two (2) types of proof of representation of yourselves as husband and wife to a third party. This can include proof of jointly owned property such as bank accounts, auto registration and insurance, or a mortgage. A copy of an insurance policy that recognizes your marital status or a letter from someone other than a family member who can verify that you have held yourselves out to the community as married are also acceptable.