

Affidavit of Common Law Marriage

Student Name (please print)

PID

Spouse Name (please print)

PID (if applicable)

The concept of common law marriage is recognized by some states, including Colorado. Typically, the necessary elements are co-habitation, declaration of marriage, and representation as a married couple to a third party.

Couples claiming common law marriage need to be aware 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.**

We, the undersigned, attest to the following facts:

- ☐ On _____, we agreed to live as a married couple and we have co-habited since that time.
(Month, day) (Year)
- ☐ We profess to be married, and we hold ourselves out to the community as being married.
- ☐ We are eighteen years of age or older.
- ☐ 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.
- ☐ We understand that this agreement can be terminated **only through death or legal divorce proceedings.**

Signature _____

Common Law Spouse 1

Date _____

Signature _____

Common Law Spouse 2

Date _____

Sworn to before me this _____ day of _____, _____ Notary Public Seal: _____

Notary Public

My Commission Expires

Notary Public's Address _____

Supporting documentation:

If you filed a Federal Income Tax Return as married filing jointly or married filing separately, attach a copy of your Federal Income Tax Return Transcripts (you can obtain a copy of your tax transcripts at www.irs.gov or call 1-800-908-9946) as evidence that you represented yourselves as married to a third party (in this case the Internal Revenue Service).

If you did not file a Federal Income Tax Return as married filing jointly or married filing separately, attach to this affidavit two (2) types of proof of representation of yourselves as married 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 a health 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 documentation.