

Trying to Avoid a Common Law Marriage?

Roughly a third of states still recognize common law marriages. The requirements for forming a common law marriage vary from state to state but the basic requirements are 1) living together for a significant period of time, 2) holding out as a married couple (e.g. referring to your partner as your husband or wife) , and 3) having the intent to be married. There is not a specific amount of time that you must be living together in order to form a common law marriage. The court will consider many factors in order to determine if your relationship should be treated as a marriage. To learn more about what a court in your area is likely to consider you should consult an attorney. If you want to avoid having your relationship treated like a marriage then you may want to sign a document with your partner stating that you do not intend to be considered married. This alone is no guarantee that the court will not treat your relationship as a marriage but it is one step. Here are some other steps that you may want to consider:

- *Avoid creating the appearance of marriage;*
- *Don't refer to your partner as "my husband" or "my wife;"*
- *Avoid joint checking and joint credit card accounts;*
- *Don't hold property jointly;*
- *Don't list your partner in your employment records as your "immediate family member;"*
- *Don't name your partner as a beneficiary of your life insurance;*
- *Correct bills that erroneously state "Mr. and Mrs. X;"*

A Note of Caution

As you can imagine, trying hard to avoid the appearance of marriage could harm the relationship you do have. Being careful to avoid joint accounts and property ownership could cause significant conflict. If you are truly concerned about creating the appearance of a marriage then it is wise to have a consultation with an attorney. A lawyer can tell you if you are really in any danger of creating a common law marriage (if you are in a state that recognizes common law marriage) and if there are any simple steps that you can take to make sure that a court would view your relationship as you and your partner do. If you and your partner can agree on the status of your relationship then the courts will not need to weigh in.

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