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’s Address __________________________

My Commission Expires __________________________

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.