Affidavit of Common Law Marriage

Student Name (please print) ________________________________________________________________________ CSUID ____________________________

Spouse Name (please print) ________________________________________________________________________ CSUID (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 ____________________________________________ Date ________________

Common Law Spouse 1

Signature ____________________________________________ Date ________________

Common Law Spouse 2

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](http://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.

COMLAW 10/06/2016