

.01 Common Law Marriage

In some states, couples who live together are considered legally married even though no wedding ceremony was performed. Common law marriages are legal only in certain states. (See [Common Law States\(g\)](#))

Participants may be considered as married by common law when all of the following occurred in any common law state:

- The participants resided together.
- The participants are adults (18 years and older).
- The participants are not legally married to another person at the same time.
- The participants presented themselves to the community as husband and wife. This may include using the same last name or filing a joint income tax return.
- The participants expressed an intent to marry.
- The participants established the common law relationship in accordance with time frames specified by some common law states.
- Navajo tribal members may be considered as married by common law when the common law marriage has been validated by the Navajo Nation Family Court.

Verify common law status when questionable. (See [Verification process](#))

When it is determined that a participant is considered as married by common law in a common law state or on the Navajo reservation, FAA recognizes the common law relationship as MARRIED. This includes common law married participants who become Arizona residents, and common law married Navajo tribal members who move off the Navajo reservation.

Complete the following:

- Key SP in the REL field on SEPA for the common law married spouse.
- Key MA in the MAR STA field on MAST for the common law married participants.