

## 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 husband and wife 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 husband and wife and we have co-habited since that time.  
(month, day) (year)
- We profess to be husband and wife, 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 Wife

\_\_\_\_\_  
Date

Signature \_\_\_\_\_

Common Law Husband

\_\_\_\_\_  
Date

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
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 husband and wife 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 husband and wife 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.