

COMMON LAW MARRIAGE OR DOMESTIC PARTNERS

In situations where there has been no formal marriage ceremony and official marriage certificate, it is requested that you and your spouse/domestic partner complete the attached Affidavit of Common Law Marriage or Domestic Partnership in the presence of a notary public and then present the completed Affidavit and supporting documentation to Human Resources. Human Resources will review the Affidavit and related evidence before making a determination and will promptly inform you if any further information or action is required.

Please keep a copy of all documents presented to Human Resources for your records.

TEXAS COMMON LAW MARRIAGE COUPLES – PLEASE NOTE: In lieu of this document and required proof, you may submit a notarized Declaration of Informal Marriage. This form can be obtained at your local county clerk's office.

Participant Information

Name:

Address:

Social Security Number:

Common Law Spouse or Domestic Partner Information (circle one)

Name:

Address:

Social Security Number:

We, the above parties, hereby declare that we are married under common law or declare ourselves as Domestic Partners and further affirm that we meet the following criteria of common law marriage or domestic partners:

- 1. For Common Law Spouse:** We exchanged words in the present tense for the purpose of indicating our mutual consent to form a permanent and exclusive marital relationship and we have been living together and holding ourselves out as spouses since that time. **We reside in a state that recognizes common law marriage or did at the time of our union.**
2. Neither of us is legally married to any other individual, and, if previously married, a legal divorce or annulment has been obtained or the former spouse is deceased.
3. At the time we entered into the common law marriage or domestic partner; we resided in _____ (name of State). (Domestic Partners must be registered if they reside in a state that provides for such registration.)
4. We are mentally competent to enter into a contract according to the laws of the State in which we resided at the time we entered into the common law marriage or domestic partnership.
5. We are 18 years of age or older and are old enough to enter into marriage according to the laws of the State in which we resided at the time we entered into the common law marriage or domestic partnership.
6. We do not have a blood relationship that would bar marriage under applicable laws of the State in which we resided in at the time we entered into the common law marriage or domestic partnership.

7. We are not in this relationship solely for purposes of obtaining benefits. We have been in an established relationship, living together for **at least 12 months**, and intend to stay together.
8. We have attached a copy of **two proofs** of evidence from the attached list and any other documentation or evidence that supports our claim of a Common Law Marriage or Domestic Partners. (See the attached list of examples of acceptable evidence.)

We understand that:

1. Benefits available to a Domestic Partner may have federal and state tax consequences.
2. That divorce may occur only as a result of a proceeding in court and I agree to inform the Human Resources of any change in my marital status within thirty-one days of such change and to present any reasonable evidence of such change as the Human Resources may be required.
3. If we supply false information in this Affidavit or submit fraudulent benefit claims, the Company may: 1) recover any benefits improperly paid and 2) initiate disciplinary action, which may include termination of the employee's employment. We further understand that any person/employer/company who suffers any loss due to any false statement contained in the documents provided as part of this Affidavit or any fraudulent benefit claims may bring a civil action against either or both of us to recover their losses, including reasonable attorneys' fees.
4. The filing of this Affidavit may have other legal and/or financial consequences, including the fact that it may be regarded as a factor leading a court to treat the relationship as the equivalent of marriage for purposes of establishing and dividing community property, assigning community debt, and for the payment of support.

Acknowledgements:

1. We certify that any and all representations that we have made and information that we have provided as part of this Affidavit as evidence of our Common Law Marriage or Domestic Partnership are true and accurate and that the documents attached hereto are authentic.
2. We agree to indemnify, jointly and severally, the Company and Human Resources for any expenses or liabilities they incur as a result of any misrepresentations or inaccuracies, whether made knowingly or unknowingly, in an Affidavit or in any of the information concerning our Common Law Marriage/Domestic Partnership provided with this Affidavit.

3. We have provided the information in this affidavit for use by Human Resources for the sole purpose of determining our eligibility for Common Law Spouse or Domestic Partner benefits.
4. We have been advised to consult with an attorney regarding the possibility that the filing of this Affidavit may have other legal and/or financial consequences, including the fact that it may, in the event of the termination of the Common Law Marriage or Domestic Partnership, be regarded as a factor leading a court to treat the relationship as the equivalent of marriage for purposes of establishing and dividing community property, assigning community debt, and for the payment of support.
5. We affirm, under penalties of perjury, that the assertions in this Affidavit are true and correct to the best of our knowledge and belief.

Participant's Signature:

_____ **Date:** _____

Common Law Spouse's or Domestic Partner's Signature:

_____ **Date:** _____

Sworn to and subscribed before me this day of

Notary Public _____

Seal

My Commission Expires: _____

EVIDENCE OF COMMON LAW MARRIAGE OR DOMESTIC PARTNERS

In support of your Affidavit, you and your Common Law Spouse or Domestic Partner must provide evidence supporting a claim to a common law marriage/domestic partners by submitting a photocopy of **two items** from the following list of documentation with your Affidavit:

1. Any loan agreement or credit card agreement applied for jointly as husband and wife or as a joint obligation.
2. Joint federal and/or state income tax return. (Include first page only. For privacy reasons, you may delete the numbers showing income and deductions.)
3. Any life insurance policy or Last Will and Testament on which you name your common law spouse/domestic partner as your primary beneficiary or your common law spouse/domestic partner names you as his or her primary beneficiary.
4. Any document provided to the Social Security Administration by either of you indicating that you are married or domestic partners.
5. Any documentation indicating joint ownership of property, such as real estate, automobiles, bank accounts, etc.
6. Any lease of residence in joint names.
7. Automobile or home ownership insurance policies indicating the names of the insured and their relationship.

Note: Any proof you submit must already be in effect prior to the date of your application.

The entire record of evidence presented with the Affidavit will be considered in deciding whether a claim of common law marriage or domestic partners will be recognized for benefit purposes. Your failure to produce the above requested documentation will render your Common Law Spouse or Domestic Partner and his or her dependent children ineligible for benefits.