

Common Law Marriage Research Guide

Overview

This research guide includes information and resources on common law marriage. A common law marriage takes legal effect, without license or ceremony, when two people capable of marrying live together as spouses, intended to be married, and hold themselves out to others as a married couple. (*Black's Law Dictionary, 11th ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Family Code

- Ch. 2. The Marriage Relationship, Subchapter E. Marriage Without Formalities
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.2.htm#E>

Vernon's Texas Codes Annotated KFT 1230.5

- Family Vol. 1, Ch. 2 The Marriage Relationship §2.401. Proof of Informal Marriage

Secondary Resources in Print

Texas Family Law Practice and Procedure KFT 1294.F35

- Vol. 1, Task B1.01(2) Formal and Informal Marriage
- Vol. 1, Task B1.05 Considering Proof of Informal Marriage

O'Connor's Texas Family Code KFT 1294.03B4

- Ch. 2, §2.401. Proof of Informal Marriage

O'Connor's Texas Family Law Handbook KFT 1294.A291 O26

- Ch. 1-A The Marriage Relationship §3.2 Requirements of an Informal Marriage

Texas Family Law Practice Manual – Practice Notes KFT 1294.T4S7

- Vol. 1, Ch. 3 Divorce Pleadings §3.27 Informal Marriage

Texas Practice Guide KFT 1280.T4931

- Family Law Ch. 2 Section II Common-Law (Informal Marriage)

Handbook of Texas Family Law KFT 1280.T492

- Ch. 2 The Informal (Common Law) Marriage

West's Texas Digest 2d KFT 1257.W48

- Vol. 36, Ch. 3 Informal or Nonceremonial Marriage

Online Resources

Common Law Marriage (Texas State Law Library)

<https://guides.sll.texas.gov/common-law-marriage>

Which States Recognize Common Law Marriage? (NOLO)

<https://www.nolo.com/legal-encyclopedia/free-books/living-together-book/chapter2-4.html>

Texas Common Law Marriage (Sisemore Law Firm)

<https://www.thetxattorneys.com/fort-worth-divorce/common-law-marriage-texas>

Common Law Marriage (State Bar of Texas)

<https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=46987>

Common Law Marriage (Texas Law Help)

<https://texaslawhelp.org/article/common-law-marriage>

Same-Sex Common Law Marriage in Texas (TexasLawHelp)

<https://texaslawhelp.org/article/same-sex-common-law-marriage-in-texas>

What Are the Requirements of Texas Common Law Marriage? (The Carlson Law Firm)

<https://www.carlsonattorneys.com/news-and-update/common-law-marriage>

Common Law Marriage in Texas (NOLO)

<https://www.divorcenet.com/resources/common-law-marriage-texas.html>

SSR 86-13c: Section 216(h)(1)(A) of the Social Security Act (42 U.S.C. 416(h)(1)(A)) Family Relationships, Recognition of Common-Law Marriage, Texas

https://www.ssa.gov/OP_Home/rulings/oasi/53/SSR86-13-oasi-53.html

CLE Materials

Marriage Dissolution Institute KFT 1300.M372

- 2013 Ch. 5 Common Law, Informal and Putative Marriage

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)