

# 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, 11<sup>th</sup> 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](http://www.statutes.capitol.texas.gov)

Texas Family Code

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

## Secondary Resources in Print

**Vernon's Texas Codes Annotated KFT 1230.5**

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

**Texas Family Law Practice and Procedure REF 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 REF KFT 1294 .O3B4**

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

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

- Ch. 1-A The Marriage Relationship
  - §3 Informal Marriage

**Texas Family Law Practice Manual REF KFT 1294 .T4S7**

- Practice Notes: §3.27 Informal Marriage

**Texas Practice Guide REF KFT 1280 .T4931**

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

**Handbook of Texas Family Law REF 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

## CLE Materials

**Marriage Dissolution Institute KFT 1300 .M372**

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

## Online Resources

Common Law Marriage (TSLL)

<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>

Common Law Marriage (State Bar of Texas)

<https://www.texasbar.com/AM/Template.cfm?Section>

[n=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>

Common Law Marriage in Texas (NOLO)  
<https://www.divorcenet.com/resources/common-law-marriage-texas.html>

Attorney blog: Texas Common Law Marriage  
<https://www.thetxattorneys.com/fort-worth-divorce/common-law-marriage-texas>

Attorney blog: What Are the Requirements of Texas  
Common Law Marriage?  
<https://www.carlsonattorneys.com/news-and-update/common-law-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)**