

## States With Common Law Marriage

- **Colorado:** Common law marriage contracted on or after Sept. 1, 2006, is valid if, at the time the marriage was entered into, both parties are 18 years or older, and the marriage is not prohibited by other law ([Colo. Stat. §14-2-109.5](#))
- **Iowa:** Common law marriage for purposes of the Support of Dependents Chapter (Iowa Code §252A.3) Otherwise it is not explicitly prohibited ([Iowa Code §595.1A](#))
- **Kansas:** Common law marriage will be recognized if the parties are 18 or older and for purposes of the Divorce and Maintenance Article, proof of common law marriage is allowed as evidence of marriage of the parties ([Kan. Stat. §23-2502](#); [Kan. Stat. §23-2714](#))
- **Montana:** Not strictly prohibited, they are not invalidated by the Marriage Chapter ([Mont. Stat. §40-1-403](#))
- **New Hampshire:** Common Law Marriage: “Persons cohabitating and acknowledging each other as husband and wife, and generally reputed to be such, for 3 years shall thereafter be deemed to have been legally married, until one of them dies.” ([N.H. Stat. §457:39](#))
- **South Carolina:** allows for marriages without a valid license ([S.C. Stat. §20-1-360](#))
- **Texas:** Common Law Marriage in specific circumstances ([Tex. Family Law §1.101](#); [Tex. Family Law §2.401-2.402](#))
- **Utah:** [Utah Stat. §30-1-4.5](#)

Not all state statutes expressly allow for common law marriages. In some states case law recognizes common law marriages, including Alabama and Rhode Island. Oklahoma's statute requires couples to get a marriage license; however case law has upheld common law marriages in the state.

## States Previously Allowing Common Law Marriage

*States that did allow, and will still recognize as valid, common law marriages entered into prior to the date it was abolished.*

- **Pennsylvania:** No common law contracted after Jan. 1, 2005 ([Pa. Cons. Stat. Ann. tit. 23, § 1103](#))
- **Ohio:** No common law if entered into on or after Oct. 10, 1991 ([Ohio Stat § 3105.12](#))
- **Indiana:** No common law if entered into after Jan. 1, 1958 ([Ind. Code §31-11-8-5](#))
- **Georgia:** No common law after Jan. 1, 1997, however, common law marriages entered into prior to that date will be recognized by the state. ([Ga. Stat. § 19-3-1.1](#))
- **Florida:** No common law entered into after Jan. 1, 1968 ([Fla. Stat. § 741.211](#))

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