

COMMON LAW MARRIAGE DISCLOSURE AND AFFIDAVIT

Common law marriage was abolished in the state of South Carolina on July 24, 2019, prospectively. However, common law marriage based on conduct prior to July 24, 2019, may still be found to be a marriage under South Carolina law; common law marriage already established may remain in-tact. A common law marriage does not require a marriage certificate or a ceremony. In order to be common law married in South Carolina the following requirements must be met: 1) both parties must be legally free to marry (not already married to someone else and not related to each other); 2) both parties must be at least 16 years of age; 3) there must be an agreement and intent to be married, no ceremony required; 4) the parties must cohabit or live together (there is no set minimum time limit; technically, one day of cohabitation could be sufficient); and 5) both parties must hold out to the public that they are married (examples include, but are not limited to, filing joint tax returns, telling people they are married, and providing insurance coverage for the other party).

There are consequences to a South Carolina common law marriage, including but not limited to the following: 1) common law marriage carries the same rights and obligations as a formal marriage, including spousal support and inheritance rights; 2) there is no common law divorce; you must go through the formal divorce process; and 3) children are legitimated if parents are married (common law or otherwise) at the time child was conceived or born or anytime thereafter.

If you believe you are common law married in South Carolina based on conduct prior to July 24, 2019, and would like to claim your common law spouse as your dependent, please have both parties to the marriage fill out the following affidavit.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

**AFFIDAVIT OF
COMMON LAW MARRIAGE**

PERSONALLY APPEARED BEFORE ME, _____ (teammate) and
_____, (spouse), who being sworn, states as follows:

1. We are legally free to be married to each other (neither party is married to someone else).
2. We are at least 16 years of age and mentally competent to consent to a contract.
3. We are not related by blood or adoption.
4. We reside together.
5. We have agreed to be married and it is our intent to be married to each other.
6. We are holding ourselves out to the public that we are spouses.
7. We attest that all 6 items above are true and represent conduct prior to July 24, 2019.

Signed under the penalty of perjury this _____ day of _____, 20____.

Employee Signature

Spouse's Signature

Subscribed and sworn to before me by both parties this _____ day of _____, 20____.

Notary Public
[Seal]

My Commission Expires: _____