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COMMON-LAW MARRIAGE IN TEXAS

Many people think that, because they have lived with their “significant other” for a long time, they have a common-law marriage. This is a common misconception.

In Texas, to be considered informally married, also known as a common-law marriage, certain steps must be taken.

First, there must be an intention and agreement to be married. This can be difficult to prove! If one of you thinks you’re married and the other does not, you are not married! You must also be old enough to be legally married. In Texas, that means 18 or older.

Second, after you have agreed to be married, you must live together IN TEXAS. Living together in another state does not mean you have a common-law marriage in Texas.

Third you must hold yourselves out to be married. Referring to your partner as “my husband” or “my wife” is only one part; it may not be sufficient to establish a common-law marriage. Other steps include purchasing property together, filing joint income tax returns, using the same last name.

If you have established a common-law marriage, you are just as married in the eyes of the law as if you stood in front of a preacher or judge and had a wedding ceremony.

Texas recognizes common-law marriage, but there IS NO COMMON-LAW DIVORCE. If you have established a common-law marriage and wish to end it, you must go to court and get a divorce.

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