

## **Am I Even Married? (Common Law Marriage)**

A common law marriage is when a man and woman agree to be married and live together in Texas as husband and wife while representing to others that they are married. Contrary to popular belief, there are no time requirements for establishing a common law marriage. Provided there's an agreement to be married that the couple tells other people about, a couple could live together for one day, to establish a common law marriage.

There are two ways to dissolve a common law marriage. The first is through traditional legal divorce procedures. The second option is to separate and wait. According to Texas Family Code, if no lawsuit to determine marital status is filed within two years after the separation of common law spouses, the law presumes there was no agreement to be married.

Practically speaking, if there are children resulting from a common law marriage, it is better to pursue a traditional divorce. This is also true if the two spouses obtained substantial amounts of property during the term of the marriage, as a divorce is an easier way to divide the property than through a traditional suit for partition between non-spouses.