

The Gospel Unashamed

"From the cowardice that shrinks from new truth, from the laziness that is content with half-truths, from the arrogance that thinks it knows all truth, O, God of Truth, deliver us."

A Controversial Newsletter "The Printed Voice of Summit Theological Seminary"

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George L. Faull, Editor

How "Common" is Common Law Marriage?

By Brenda Barker

Upon the request of the editor of the Gospel Unashamed, I write the following article...



Marriage... A special covenant relationship between a man and a woman that when joined in matrimony, the two become one.

Genesis 2:24b

God ordained this special covenant from the beginning of the world when He created Adam and Eve.

God knew it was not good for man to be alone, so He created woman.

Genesis 2:18-20

The man is to leave his parents and cleave to his wife. **Genesis 2:24**

Yet not everyone is destined to be married. Some remain single and dedicate their life to the Lord's work. There is nothing wrong or sinful in remaining single and is actually considered "a gift" as Paul states in **1 Corinthians 7:7**. But with it comes challenges that must be kept under

control as there are desires that can cause people to follow paths which can lead to lustful sins.

I have witnessed to several people over the years. Sadly, many live in a cohabitational environment and it's difficult for them to come out of it.

When I addressed this lifestyle to some who are close to me, I have been told they are "married under the Common Law Marriage because they've been living together for over 7 years".

This got me to thinking one day...Is this really legal, or just something people began using? So, I sought out to find just how "common" is this common law marriage? I put on my detective hat and went to the (trusty?) internet to fact check it.

As I suspected, **there is no legal law** in the majority of the states and not as common as people believe it to be!

Only a "few" states recognize common law marriages and even then, there are guidelines and restrictions I doubt many know even exist.

In the Few States that Recognize a Common Law Marriage:

- × A common law marriage form is required to be filed with certain states.
- × The length of cohabitation depends on each state's guidelines and some don't require it, but **both parties must consent to the arrangement.**

× Couples are required to have had intercourse because without that consummation, they will not be legally recognized!

× If the couple moves to another state which does not accept common law marriages, they may or may not (depending on the state) need to marry legally to be valid as a "married couple".

× Amendments were recently adjusted to allow provisions so that homosexuals, and not just heterosexuals, can be included.

× Couples don't usually change their last names but continue with the name they had before the relationship. This can be confusing when trying to explain how you are in a "married relationship" but have different names. And children born while in a common law marriage... whose last name would be on the birth certificate?

× A **legal divorce proceeding** is required should you end the relationship so lawyers can determine disputes as of child support and/or custody, spousal support, property division, etc. So, it's not as easy to "divorce" from or leave a common law marriage than people may realize.

For the children born during this cohabitational relationship, there could be child support from one or both parties until the child(ren) are of a specific age, released from custodial care, or dies.

I quickly realized that the majority of people don't really know what is required for a "common law marriage".

The following was obtained off the National Conference of State Legislatures website:

<https://www.ncsl.org/research/human-services/common-law-marriage.aspx>

States Which Acknowledge "Common Law Marriage Arrangements

- **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 cohabiting and acknowledging each other as husband and wife, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been legally married." ([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](#)

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

States Which "Previously" Allowed Common Law Marriages

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

- **Alabama:** No common law after Jan. 1, 2017, however, common law marriages entered into **prior** to that date will be recognized by the state. ([Ala. Code § 30-1-20](#))
- **Florida:** No common law entered into after Jan. 1, 1968 ([Fla. Stat. § 741.211](#))
- **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](#))
- **Indiana:** No common law if entered into after Jan. 1, 1958 ([Ind. Code §31-11-8-5](#))
- **Ohio:** No common law if entered into on or after Oct. 10, 1991 ([Ohio Stat § 3105.12](#))
- **Pennsylvania:** No common law contracted after Jan. 1, 2005 ([Pa. Cons. Stat. Ann. tit. 23, § 1103](#))

(For exact rulings on common law marriages, contact the local legal firm for that state or the local courthouse.)

Some of the states decided to change their laws to remove common law marriage when the Catholic Church made the proclamation that this form of lifestyle would not be recognized.

Does God Approve of "Common Law Marriages?"

This is a definite NO!

This is still cohabitation and many people only wish to say they are married under the "common law marriage" because one or both parties do not want to be "legally" married. A few examples of why I've been told they don't want to legally marry are:

- Complications of a divorce.
- Not wanting to be "legally attached".
- They like the relationship just the way it is.

Cohabitation is just another word for "**fornication**" (sexual and intimate relationships outside of an actual marriage covenant) which is what God forbids. For a chart of what falls under the umbrella of fornication, Summit has a .20¢ chart called, "*What is Fornication?*" by George L. Faulk – ask for Article B-612.

God forbids fornication and if not dealt with in a congregation, and if the sinner does not repent, it is grounds for disfellowshipping. **1 Corinthians 5**

Fornicators are listed as ones who are unrighteous and will **not** inherit the Kingdom of God. **1 Corinthians 6:9**, "Know ye not that **the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators**, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind,"

Note also that this passage says, "**be not deceived**", which is what many who want to have a common law marriage have fallen into.

We have specific instructions given by the apostle Paul - **1 Corinthians 7:8-9**, "8 I say therefore **to the unmarried and widows**, It is good for them if they abide even as I. **9 But if they cannot contain, let them marry: for it is better to marry than to burn.**"

The purpose of marriage is to keep from fornication. People living with a common law marriage mindset are

still fornicating. Until a union in marriage is done correctly, God does not recognize it.

Common law marriage opens all kinds of avenues for people to be allowed to commit sinful acts and not feel “so guilty”.

It also trains the children to believe it's ok to live in a cohabitational relationship. This could keep them from entering the Kingdom of God should they continue in that lifestyle when they are older.

Objections for Common Law Marriages

1. **Where does it say in the Bible that we have to be married by a preacher or the Justice of the Peace to be legally married in the sight of God?**

ANSWER:

It doesn't! Neither does God's Word say we have to go to the courthouse to legalize a divorce. God has set the precedent by the marriage covenant. All other sexual and intimate acts are committing fornication which is condemned in Scripture.

Satan has once again caused people to swallow a deceptive sin as being acceptable as it gives an excuse to feel legally married and a legitimate license to fornicate. Don't be fooled, this is one of his many delusions.

2. **But we love each other!**

ANSWER:

If so, why not marry? God requires marriage the correct way as He intended for a man and woman, otherwise you are living under a cloak of sin.

I usually find that one of those in the relationship really wants a legitimate marriage but cover it up so as not to be ridiculed or embarrassed by the other.

3. **Marriage is just a ring and a stupid piece of paper!!**

ANSWER:

Really? Tell that to the court when you try to verify if your car that was stolen is really yours; or if the deed to the house you reside in really belongs to you when you try to sell it!!



The ring and marriage license tells others you belong to each other and you have proof. No others can be part of this relationship – just between the two of you, not even your children. They are biproducts of your marriage but not the marriage.

The ring is a reminder that you made a covenant and it is life-binding. You've made a commitment to stay with this other individual.

It helps you work harder to keep the relationship together and it eases the mind of the other person that you're not planning to pick up and leave at any given time and leave them “high-and-dry”.

(For more information on this point, George L. Faull has an Article B-344, “It's Just a Stupid Piece of Paper” for .20¢)

4. **I'll lose my spouses pension if I marry again....**

ANSWER:

Do you put your faith in God or Satan? I would rather lose my spouses pension than my soul for eternity or cause others to stumble.

Repent and proceed with a legal marriage and put your faith in God that He will help take care of your financial burdens.

Or you can remain single. To remain in the Will of God you'd

have to separate and stay as friends with no intimacy involved.

This could be a very tempting way to live if you've already been with each other intimately or have children.

Shacking up, or cohabitating, gives the false pretense to neighbors, friends, and children that you are actually married and is a direct affront to God.

Satan has deceived many through Television, Commercials, movies, main-stream media, Hollywood, and even your children's school curriculum that cohabitation is the “new normal”.

Soap Operas are full of sinful lies, yet many Christians watch it and we wonder why no one is blushing or seeing anything wrong with it today.

5. **It's ok - I live in a State that recognizes Common Law Marriages.**

ANSWER:

No state, government, Christian leadership, or man can override God's command.

If God says not to commit murder, no state or person can legalize it – it is still sin! We must view things and live our lives through the eyes of God, not the world around us.

6. **I know other Christians who are doing it.**

ANSWER:

They are living a life of sin and need to repent, as well. We should not follow ungodly examples but Godly people who uphold the Will of God as Holy so we can be Holy in His presence as well as to others whom we influence.

3 John 1:11, “Beloved, follow not that which is evil, but that which is good. He that doeth good is of God: but he that doeth evil hath not seen God.”

2 Timothy 2:22, "Flee also youthful lusts: but follow righteousness, faith, charity, peace, with them that call on the Lord out of a pure heart."

7. But we've been together for 7 years and that makes it legal.

ANSWER:

Even if this was legal in the sight of God, wouldn't the first 6 years still be living in sin?

God never wants us to "partially commit" to being one of His children. This is what He calls "lukewarm", which makes Him vomit. **Rev. 3:16, "So then because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth."**

This is exactly where Satan has many people today... lukewarm in their sin and they feel just fine.... comfortable.

I call that "Common Law Christianity" where one considers themselves a Christian without fully committing to following all the ways God has commanded us to do to be His Bride and part of the Church. Many good people are deceived in this area.

We live in a world where all sinful acts, which God abhors and condemns, are approved, committed, and legalized by men and authorities.

Be Not Deceived!

There is nothing "common" about common law marriages, and certainly not common law Christianity, in the mind of God!