

HOUSE No. 3565

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to common law marriages for veterans.

PETITION OF:

NAME:

Frank A. Moran

DISTRICT/ADDRESS:

17th Essex

HOUSE No. 3565

By Mr. Moran of Lawrence, a petition (accompanied by bill, House, No. 3565) of Frank A. Moran relative to common law marriages. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to common law marriages for veterans.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 207 of the General Laws is hereby amended by inserting after section 6 the
2 following section:-

3 Section 6A. (a) The commonwealth shall recognize and accept what is known as common
4 law marriage. Common law marriage means persons cohabiting and acknowledging each other
5 as husband and wife, and generally reputed as such, for a period of 2 years, and until 1 of them
6 dies. Such persons shall thereafter be deemed to have been legally married as a common law
7 marriage. The purpose of this acknowledgement as a common law marriage is that both parties,
8 with the intent, will consummate this relationship eventually within the marriage laws of the
9 commonwealth.

10 (b) To be determined a common law marriage:

11 (i) both persons shall be at least 18 years of age;

12 (ii) both persons shall reside in the commonwealth, with proof of residency
13 requirements;

14 (iii) both persons shall hold themselves out to the community as a married couple. For
15 example, this includes using the same last name, referring to each other as " my husband" or" my
16 wife"; and

17 (iv) both parties shall acknowledge a common law marriage with a verbal, written or
18 prenuptial agreement to live together with the intent of a marriage ceremony.

19 (c) Veterans with disabilities and all residents with disabilities, who in agreement under
20 the common law marriage law, shall be recognized as long term partners prior to the date of
21 enactment of this section and eventually marry to be recognized. Both marriages shall be
22 calculated together as to the full term of their marriage.

23 (d) Both partners shall comply with all court rulings that apply to common law marriage
24 in the commonwealth, and in the case of the death of one partner, where there is no will, the
25 other will be recognized in all claims to inherit.

26 (e) If both parties in a common law marriage separate, they shall file with the probate and
27 family court an action pursuant to chapter 208 to terminate this arrangement or marriage. The
28 parties shall be considered married under said chapter 208 for the purposes of such action.