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81-2-408 Validity of marriage not solemnized or solemnized before an unauthorized individual.

- (1) A marriage that is not solemnized according to this chapter is legal and valid if a court or administrative order establishes that the marriage arises out of a contract between two individuals who:
 - (a) are of legal age and capable of giving consent;
 - (b) are legally capable of entering a solemnized marriage under the provisions of this chapter;
 - (c) have cohabited;
 - (d) mutually assume marital rights, duties, and obligations; and
 - (e) who hold themselves out as and have acquired a uniform and general reputation as spouses.
- (2)
 - (a) A petition for an unsolemnized marriage shall be filed during the relationship described in Subsection (1), or within one year following the termination of that relationship.
 - (b) Evidence of a marriage recognizable under this section may be:
 - (i) manifested in any form; and
 - (ii) proved under the same general rules of evidence as facts in other cases.
- (3)
 - (a) A marriage solemnized before an individual professing to have authority to perform marriages may not be invalidated for lack of authority if consummated in the belief of the parties or either party that the person had authority and that the parties have been lawfully married.
 - (b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be construed to validate a marriage that:
 - (i) is prohibited or void under Section 81-2-403; or
 - (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with jurisdiction.