

COMMON LAW MARRIAGE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill amends provisions regarding an unsolemnized marriage.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding the requirements for validating an unsolemnized marriage; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-4.5, as last amended by Laws of Utah 2011, Chapter 297

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-1-4.5** is amended to read:

30-1-4.5. Validity of marriage not solemnized.

(1) A marriage which is not solemnized according to this chapter shall be legal and valid if a court or administrative order establishes that [†] the marriage arises out of a contract



28 between a man and a woman who:

29 (a) are of legal age and capable of giving consent;

30 (b) are legally capable of entering a solemnized marriage under the provisions of this
31 chapter;

32 (c) have cohabited;

33 (d) mutually assume marital rights, duties, and obligations; and

34 (e) who hold themselves out as and have acquired a uniform and general reputation as
35 husband and wife.

36 (2) (a) [~~The determination or establishment of a marriage under this section shall~~
37 ~~occur~~] A petition for an unsolemnized marriage shall be filed during the relationship described
38 in Subsection (1), or within one year following the termination of that relationship.

39 (b) Evidence of a marriage recognizable under this section may be manifested in any
40 form, and may be proved under the same general rules of evidence as facts in other cases.