

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2522:

Vaughn

AS INTRODUCED

An Act relating to marriage and family; prohibiting the recognition of common law marriage in Oklahoma; providing exceptions; providing for rebuttable presumptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in this section, on and after November 1, 2003, a common law marriage of a man and a woman shall not be recognized as a valid form of marriage in Oklahoma.

B. 1. On and after November 1, 2003, any common law marriage recognized as being established prior to November 1, 2003, by an Oklahoma court of competent jurisdiction in this state shall continue to be recognized as valid in this state.

2. There shall be a rebuttable presumption that there exists or existed a valid common law marriage upon presentment of evidence of proof of the cohabitation and reputation of the common law marriage of a man and woman for at least ten (10) years prior to any action contesting the existence or validity of a common law marriage.

3. There shall be a rebuttable presumption that the cohabitation and reputation of a common law marriage of a man and a woman who have been jointly issued a decree of dissolution of a marriage or annulment prior to the cohabitation and reputation of

the marriage shall be deemed to have a valid common law marriage if neither party has married a third party during the time since the issuance of the decree of dissolution of a marriage or annulment.

4. There shall be a rebuttable presumption that there exists a common law marriage if one or more children have been born to a man and woman upon proof of the cohabitation and reputation of a common law marriage of such man and woman.

5. There shall be a rebuttable presumption that there exists a common law marriage of a man and a woman who have executed an affidavit, signed and dated by both parties, that they have entered into a common law marriage.

SECTION 2. This act shall become effective November 1, 2002.

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