

## Proof of Marriage for the Purpose of Obtaining Retirement Benefits

*We are asking for proof of your marriage; the items listed below tell you what you should send us.*

### **Ceremonial Marriage**

To prove a ceremonial marriage we require:

1. A copy of the original certificate of marriage, if available;  
or
2. A copy of a public or religious institutions' record of marriage, or a statement as to the contents of such a record, certified by the authorized custodian of the record; or
3. If neither of the above proofs of marriage is available, you must send us a statement explaining why such proofs cannot be obtained. Along with this explanation, send us any or all proofs listed below:
  - An affidavit of the clergyman or other authorized official who performed the marriage.
  - Affidavits of two witnesses to the marriage ceremony.
  - Any other evidence you have to show you entered into a ceremonial marriage.

### **Common Law Marriage**

We will recognize a common law (mutual consent) marriage only if it existed in a State which recognizes such a marriage and you provide us with the documents described below.

If a State court has determined that you were or are married, send us a copy of the court order or judgment. If you do not have a court order or judgment, you must send us the affidavits described in items 1 and 2 below.

1. Affidavits from at least two persons who know the facts concerning the common law relationship; preferably one from a member of your spouse's family and one from a non-family member. The persons making the affidavits should state:
  - A. The relationship between you, your spouse, and the person swearing to the affidavit;
  - B. The length of time you and your spouse lived together;

- C. The address or addresses at which you resided while you lived together;
  - D. Whether there was any public announcement in connection with your common law marriage;
  - E. Whether you and your spouse were regarded among your neighbors, friends, and relatives as being husband and wife during the time you lived together; and
  - F. How the person swearing the affidavit is in a position to know the facts being presented in the affidavit.
2. Your own affidavit is also required. In your affidavit you should state:
    - A. The date on which and the State in which you and your spouse mutually agreed to become husband and wife;
    - B. Whether you or your spouse were ever married, ceremonially or under common law, to anyone else before entering into the common law relationship. If so, state in your affidavit all the facts of each previous marriage, including the date it took place and the date of the death or divorce which ended it.
    - C. Any other facts which you believe will help prove you were husband and wife.

### **(Affidavits Must Be Sworn To or Affirmed Before A Notary Public or Other Officer Who Is Authorized By Law To Administer Oaths)**

In addition to the required affidavits at least *two* of these types of proof must be submitted along with the affidavits in order to verify the validity of the common-law marriage:

- transcripts of tax returns showing "married" status;
- official documents showing jointly owned property (*mortgage statements, etc.*);
- a voided check or statement from a joint bank account;
- inclusion of claimant on health benefits insurance;
- joint loan applications, etc.

### Warning

Affidavits and other evidence are subject to verification by personal investigation. Any intentionally false statement, willful concealment of a material fact, or use of a writing or document knowing the same to contain a false, fictitious, or fraudulent statement or entry is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both (18 USC 1001).