

# Common-Law Marriage

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A retiree lived with his girlfriend for 30 years. When he died, she got nothing. Another retiree lived with his girlfriend for 15 years. They finally decided to marry. Two months after the marriage, he died. His new wife received nothing because the marriage lasted less than a year and the death was from natural causes.

Some retirees are living in a long-term relationship with a girlfriend under the belief that she will receive benefits based on an established common-law marriage. Nothing can be further from the truth. Common-law marriage in Korea is rare, and in the cases that are allowed, both parties must be Korean citizens.

“Ah, but wait. My home state in the U.S. recognizes common law marriage,” says the retiree. That may be true, but the states that recognize it – Alabama, Colorado, Iowa, Kansas, Montana, Rhode Island, South Carolina, Texas and the District of Columbia – only recognize common-law marriage created within their borders. In other words, the two parties must actually be living in that state in the long-term relationship to have the relationship recognized as a common-law marriage.

So what’s a retiree to do? Well, he (or she) could get married. One retiree who lived with his girlfriend for many years finally married her when the negative legal and financial aspects of living together were explained to him. They’re now long past the one-year requirement to be eligible for widow’s benefits. She was enrolled in and receives Social Security and she will continue to have income if she outlives him.

Another option would be to check with the Legal Office to determine if a Will can be created so that the retiree can transfer assets to the partner. However, no continuing benefits such as Survivor Benefit Plan, VA pension, or Social Security can be transferred or conferred this way.

*August 15, 2009*