

441—62.19(425) Common law marriage.

62.19(1) A common law marriage is a social relationship between two persons that meets all the necessary requisites of a marriage except that it was not solemnized, performed, or witnessed by an official authorized by law to perform marriages.

62.19(2) The necessary elements of a common law marriage are:

- a.* A present intent of both parties freely given to become married,
- b.* A public declaration by the parties or a holding out to the public that they are spouses,
- c.* Continuous cohabitation together as spouses (this means consummation of the marriage), and
- d.* Capability of both parties to enter into the marriage relationship.

62.19(3) No special time limit is necessary to establish a common law marriage.

This rule is intended to implement Iowa Code section 425.17.

[ARC 6557C, IAB 10/5/22, effective 1/1/23]