
3) MARRIAGES CONTRACTED IN OTHER STATES

Marriages valid by the laws of the place where contracted are valid in Arizona, except marriages that are void and prohibited under Arizona law, Ariz. Rev. Stat. § 25-101. Ariz. Rev. Stat. § 25-112(A).

Marriages solemnized in another state or country by parties intending at the time to reside in Arizona will have the same legal consequences and effect as if solemnized in Arizona, except marriages that are void and prohibited under Arizona law, Ariz. Rev. Stat. § 25-101. Ariz. Rev. Stat. § 25-112(B).

Parties residing in Arizona cannot evade Arizona laws relating to marriage by going to another state or country for solemnization of the marriage. Ariz. Rev. Stat. § 25-112(C).

★ 4) COMMON LAW MARRIAGE

In most states, including Arizona, common law marriages have been abolished. In the jurisdictions which recognize common law marriages, the party claiming that such a marriage exists must prove at a minimum (1) that the parties **cohabited**, (2) that they **held themselves out** as married, and (3) that they **intended** to be married. Homer H. Clark, Jr., *Domestic Relations* § 2.4 (student ed. 1988). Often, the emphasis in common law marriage cases is placed on the couple's "holding themselves out" as married, and sometimes, intent can be inferred from that fact.

One Arizona Court of Appeals has stated that:

Although a common law marriage cannot validly be contracted within this state, we will recognize a common law marriage if validly contracted under the laws of another jurisdiction. In *Re Estate of Trigg*, 102 Ariz. 140, 426 P.2d 637 (1967); *Grant v. Superior Court*, 27 Ariz. App. 427, 555 P.2d 895 (1976). Recognition of such marriages is authorized by A.R.S. § 25-112(A), which provides that "[m]arriages valid by the laws of the place where contracted are valid in this state."

The fact that petitioner and the decedent may have been domiciled in Arizona simply does not preclude petitioner from establishing that a valid common law marriage was contracted in another jurisdiction. In ascertaining the validity of a common law marriage, we must look to the law of the state where the marriage is alleged to have been contracted and not to the law of the domiciliary state, absent extreme public policy considerations . . .

Vandever v. Industrial Commission, 714 P.2d 866, 148 Ariz. 373 (Ariz. Ct. App. Div.1 11/21/1985).