



## Common Law Spouse

Is my **common law spouse** an *eligible* family member for **FEHB**?

### Eligibility

A common law marriage must be initiated in a state that recognizes common law marriages for the marriage to be valid. If you are in a valid common law marriage, then your spouse is eligible for FEHB coverage. The [National Conference of State Legislatures](#) lists the states that recognize common law marriages.

Example: You and your partner live together in Texas where your partner is recognized as your common law spouse. You relocate to Maryland where common law spouses are not recognized. Since your common law marriage commenced in a state that recognizes common law marriages, your partner is an eligible family member under your FEHB plan.

Example: After dating for a year, you take the next step and start living together with your partner. You want to add your partner to your FEHB plan. Your partner is not an eligible family member on your FEHB plan since you are not in a valid common law marriage.

### Eligibility Documents

You must provide the following documents to prove your common law spouse's eligibility:

- A court order or judgment from the initiating state recognizing the marriage; or
- Your signed declaration. Consult your employing office for details about what the declaration should include.

You must also provide **one** of the following documents that list you **and** your spouse:

- The first page of your most recent tax return;
- Proof of common residency **and** proof of combined finances.



This resource is for the purpose of providing general information about FEHB rules. It does not replace official guidance. The employing office will determine who is eligible and what evidence is acceptable. Additional information is available at [OPM.gov/healthcare-insurance/](https://www.opm.gov/healthcare-insurance/).