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## 520 Legal Marriage

Policy

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### Policy

To have ALTCS eligibility determined using community spouse policy, the person must be legally married. A couple remains legally married when separated

NOTE See [MA602](#) for marital status policy for all other programs.

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### Definitions

Term	Definition
Legal Marriage	<p>Means the legal union of a man and woman as husband and wife as recognized by the State of Arizona. Arizona recognizes the following as legal marriages:</p> <ul style="list-style-type: none"> <li>• A marriage license was obtained and the marriage ceremony was performed by a person authorized by law. People authorized by state law to perform marriages include licensed or ordained clergy, judges, and justices of the peace.</li> <li>• A common law marriage recognized as legal in the state where it was established.</li> <li>• A common-law marriage established under the Navajo Tribal Code.</li> </ul>
Common Law Marriage	A marriage existing by mutual agreement between a man and a woman, or by the fact of their living together for a certain period of time, without a civil or religious ceremony.

## Proof

Require proof based on the marital relationship claimed:

Type	Proof
Legal Marriage	<ul style="list-style-type: none"> <li>• An official marriage license;</li> <li>• Court or church records;</li> <li>• Marital Status and Family Profile Document issued by the Navajo Nation;</li> <li>• Tribal Family Census Card issued by the Bureau of Indian Affairs;</li> <li>• Marriage license issued by the Navajo Office of Vital Records; or</li> <li>• Phone contacts with an official Agency or Court.</li> </ul> <p>NOTE SSA or SSI benefit records cannot be used for proof of legal marriage.</p>
Common Law Marriage	<p>The legality of a common law marriage depends on whether the marriage was established in another state or under Navajo law:</p> <p><u>If established in another state:</u></p> <p>Ask the customer for a Statement of Facts (DE-118) that has all of the following details:</p> <ul style="list-style-type: none"> <li>• The city and state where the common law marriage was established;</li> <li>• The dates the couple lived in that city and state where the common law marriage was established; and</li> <li>• The reason that the couple believes the common law marriage is valid.</li> </ul> <p>Send a Policy Clarification Request to the PCR mailbox to see if the common-law marriage meets legal requirements.</p> <p><u>If established under Navajo law:</u></p>

	A marriage license issued by the Navajo Office of Vital Records verifies a valid common-law marriage under Navajo law, and is legal under Arizona law.
Death or Divorce	Accept the person's statement unless it is questionable. For example, when a customer previously claimed to be married but later claims to be divorced or widowed, ask for proof of the divorce or death.

## Legal Authority

Program	Legal Authorities
ALTCS	AAC R9-28-401



Effective Until 6/7/2015