



Instructions for completing the AFFIDAVIT OF COMMON LAW MARRIAGE

In order to be eligible to include a common law spouse on IOTA's benefit plans, this affidavit of Common Law Marriage must be completed, notarized and returned to the People Team prior to enrollment.

If you have any questions or require assistance, please reach out to peopleteam@iotaschools.org



AFFIDAVIT OF COMMON LAW MARRIAGE

Declaration

We certify that _____ is a common law spouse of _____ (employee name) in accordance with the following eligibility criteria. We certify we met the following eligibility criteria for establishing Common Law Marriage as of _____ (date). We have satisfied the requirements of the State of _____ (State of Marriage) for treatment of our relationship as a common law marriage.

We understand that providing false information or concealing important facts can be considered a violation of the law and may be punishable by a fine, imprisonment, or both. We further understand that it can result in adverse tax consequences to the Participant and intended common law spouse and/or IOTA Community Schools' recovery of any benefits improperly paid.

We declare that we are common law married and live in the same household as a married couple and hold ourselves out as a married couple (typically means some or all of the following: using the same last name, noting marital status as "married" on records/applications/documents, filing joint income tax returns, holding joint accounts and joint ownership of assets). We further declare that we each consent to being married to the other, we have an actual and mutual agreement that we are married, and we intend that we actually are a married couple.

Attached to this affidavit is a copy of formal documentary evidence of a common law marriage. One of the following **must** be provided: 1) certificate of common law marriage/informal marriage (or other comparable document) issued by a county clerk's office or other authorized issuer within the State in which the common law marriage was established; or 2) copy of the most recent federal income tax return (whether filed jointly or separately) indicating filing status as "married" that includes name of common law spouse; or 3) legal opinion letter from an attorney that concludes the couple meets the requirements of a common law marriage.

We certify that the above statements are true and that any attached papers are true copies.

Change in Common Law Marriage

We understand that a common law marriage can only be dissolved by death or a formal divorce. We agree to notify IOTA Community Schools within thirty (30) days of the dissolution of our common law marriage and to submit a court order in the event of a divorce or a death certificate in the event of a death.

Acknowledgements

1. We have provided this information in this Affidavit for the sole purpose of determining our eligibility for Common Law Spouse benefits.
2. We further understand that any false or misleading statements made in order to receive benefits for which we do not qualify may subject the employee to disciplinary action up to and including termination, and repayment of benefits received.

Note: Signing of this Affidavit may affect important legal rights. Please consult your attorney.

Employee Name

Common Law Spouse Name

Employee Signature

Common Law Spouse Signature

Address of employee and common law spouse:



Notary

On this _____ day of _____, 20__, before me personally came _____, to me known to be the individual described as “Employee/Insured described as Common Law Spouse in the above document entitled “AFFIDAVIT OF COMMON LAW MARRIAGE” and who executed same as a free and voluntary act for the uses and purposes stated herein.

Notary Public

My commission expires (date)