

Who can get married in New Mexico?

A person who is at least 18 years old can marry in New Mexico. Someone 16 or 17 can marry with permission of one parent. (The parent can give consent in person or by a notarized statement.) Someone younger than 16 can marry only with permission from the circuit court. In New Mexico, cousins may marry.

Do I need a marriage license to marry in this state?

A marriage license is necessary. To get one, go to the county clerk's office. Both people who plan to marry must be present to apply for the license. There is no waiting period and no expiration date on the marriage license. Pre-marital blood tests are not required. Cousin marriage is permitted.

The cost of a marriage license is \$25, which must be paid in cash. You will also need a current valid picture ID (driver's license, original birth certificate, visa, passport) and proof of Social Security number (medical cards or check stubs are acceptable). There is no need for proof of divorce if

you were previously married. Divorced people who have changed their names back must provide the original or a certified copy of the final divorce decree or court order granting the name change.

Is a church wedding necessary, or is a civil wedding ceremony enough?

It is not necessary to have a minister or priest conduct your wedding. A judge, justice, or magistrate can perform the ceremony. Some people have both ceremonies. For a "church" wedding, the couple must bring their marriage license to the ceremony to be signed by two witnesses and the minister or priest. Whoever performs the ceremony, civil or religious, must certify the marriage to the county clerk within 90 days from the date of marriage.

What duties do I have to my spouse when I marry?

When you marry, you take on the responsibility of supporting each other financially. You also are responsible for the care and support of any children you have together. In New Mexico, which is

a community-property state, everything you acquire and every debt you incur during your marriage is presumed to be for the benefit of both of you. If you intend for some of your property to be kept separate for you only, it must be clear from the start that the property was *not* intended for both of you, and you must not use it for the benefit of the other person.

Should I sign a prenuptial agreement?

Sometimes people with a great deal of money or possessions marry and want to protect their assets in the event of divorce. Some people who have children and then marry want to make sure their children—and not the new spouse--inherit at the parent's death. A prenuptial agreement, voluntarily signed by both parties to a marriage, can be used to keep property separate for those purposes. No one should sign such an agreement without getting personal legal advice first—from his or her own lawyer.

What is common law marriage?

In a few states, heterosexual couples can become legally married without a license or

ceremony. This type of marriage is called a common law marriage. In order to have a valid common law marriage, the couple must live together, hold themselves out to be a married couple, and intend to be married. In some states, the couple must live together for a longer period of time. If the couple can show they meet the requirements of the law in their state, that state recognizes their marriage as valid.

Does New Mexico recognize common law marriages?

Couples cannot marry at common law in New Mexico; they must marry using a license and a formal ceremony. However, New Mexico recognizes common law marriages entered in other states if the marriages meet the requirements of the law in those states. These are the states that recognize common-law marriage: Alabama, Colorado, District of Columbia, Georgia (if created before 1/1/97), Idaho (if created before 1/1/96), Iowa, Kansas, Montana, New Hampshire (for inheritance purposes only), Ohio (if created before 10/10/91), Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah.

How can I show that I am validly married at common law according to the law of another state?

Mail addressed to you and your common law spouse as “Mr. and Mrs.”; bank statements, credit cards, loan documents and mortgages showing joint financial obligations; insurance policies naming the other party as beneficiary; birth certificates naming you and your common law spouse as parents of your child(ren); affidavits from family, friends, neighbors, or others with knowledge—all are ways in which you can establish that your common-law marriage is valid. In states that require a long-term relationship, you also must prove the length of time that you have been living as married.

How can I terminate a common law marriage?

When a common law marriage exists, the couple receives the same legal treatment given to formally married couples. Therefore, the only way to end a common law marriage is through a legal divorce. See “Divorce and Legal Separation” topic.

Will New Mexico issue marriage licenses to same-sex couples?

No.

Does New Mexico recognize same-sex marriage licenses from other states?

No. § 40-1-4, N.M.S.A explicitly prohibits such recognition.

Will New Mexico recognize a marriage from a foreign country?

If you decide to get married in a foreign country, the marriage will usually be recognized under U.S. law. You will need to obtain specific details from that country’s embassy and check with the NM attorney general before you go. See the U.S. Department of State website for more information: http://travel.state.gov/family/family_issues/marriage/marriage_589.html