

# Debunking the Myth: Understanding Cohabitation Rights in California

There is a persistent misconception among long-term couples that living together for a certain number of years automatically grants them the legal benefits of marriage. This concept, known as common law marriage, creates a false sense of security for many partners who believe their assets are protected simply by virtue of time. Jos Family Law is here to clarify the statutes: in the state of California, common law marriage does not exist, regardless of how long you have cohabitated. Understanding this distinction is critical for protecting your property and financial future.

When investigating **California Common Law Marriage**, it is vital to know that the state requires a formal marriage license and a ceremony to confer marital rights. You could live together for 20 years, share a bank account, raise children together, and refer to each other as "husband" and "wife" socially. Yet, in the eyes of the law, you remain legal strangers regarding property division and spousal support. Upon a breakup, there is no community property law to divide assets accumulated during the relationship. If a home is titled in one partner's name, the other partner generally has no legal claim to it, even if they contributed to the mortgage or renovations, absent a separate written contract.

This lack of automatic protection means that "palimony" is not a statutory right. However, California law does recognize "Marvin claims," named after the famous *Marvin v. Marvin* case involving actor Lee Marvin. These are civil lawsuits based on contract law rather than family law. If you can prove there was an express or implied contract to pool resources or support each other, you may have a claim to assets or support. However, proving an oral contract in civil court is significantly more difficult and expensive than dividing community property in family court. The burden of proof lies entirely on the plaintiff to demonstrate that such an agreement existed. The court looks for specific evidence, such as joint bank accounts or written correspondence, to validate these claims, but the outcome is never guaranteed.

For couples who choose not to marry, the solution is to create a Cohabitation Agreement. This legal document functions similarly to a prenuptial agreement, outlining who owns what property and how assets will be divided if the relationship ends. It allows you to opt-in to the protections you want without the state mandate of marriage. You can define how you will share expenses, who keeps the house, and whether one partner will support the other if you split. Without this

document, you are leaving your financial fate to chance and the complex, often unfavorable, civil litigation system.

Do not rely on a myth to protect your livelihood. If you are in a long-term partnership without a marriage license, you must take proactive legal steps to define your rights. Ignoring the law does not exempt you from it.

To establish clear rights for your partnership, visit Jos Family Law.  
<https://josfamilylaw.com/>