

Guatemala

Response to Information Request Number:	GTM00001.ZHN
Date:	20 January 2000
Subject:	Guatemala: Information on Common Law Marriages
From:	INS Resource Information Center
Keywords:	Guatemala / Common law marriage / Laws / Family Law / Marriage / Women

Query:

When were common law marriages recognized in Guatemala? What are the requirements to establish a common law relationship?

Response:

Guatemala recognizes *de facto* union, a similar concept to common law marriage, in Article 48 of its Political Constitution. Furthermore, the Constitution provides for the equal treatment of all children, regardless of the situation of their parents at the time of birth (Article 50). (*De Facto Marriage in Guatemala* 1999, 1)

The Civil Code of 1973 states that a man and a woman may enter into a *de facto* union after living together continuously for three years through the act of declaring their union before a mayor or notary. The marriage must then be registered with the Office of the Civil Registry (*De Facto Marriage in Guatemala* 1999, 2). Once the *de facto* union is registered, the man and woman are "subject to the rights and obligations of spouses during marriage." (*De Facto Marriage in Guatemala* 1999, 2)

The Legal Counselor of the Embassy of Guatemala in Washington, DC stated that this law is designed to protect the rights of children and both spouses when involved in a long-term relationship that may yield children and/or common property. Further, she stated that either partner in the relationship may request that the relationship be recognized without a statement from the other partner. She stated that the requesting partner will need to provide witnesses of the relationship so that the matter may be resolved by a judge. (Embassy of Guatemala 20 January 2000)

References:

Aguilera, Carmen. Legal Counselor. Embassy of Guatemala, Washington, DC. 20 January 2000. Telephone interview.

De Facto Marriage in Guatemala. November 1999. Law Library of Congress. Washington, DC.

Other Sources Consulted:

NEXIS

REFWORLD

Region file, The Americas. Foreign Broadcast Information Service (FBIS) Reports. October 1993 to January 19, 2000.

Attachment:

De Facto Marriage in Guatemala. November 1999. Law Library of Congress. Washington, DC.

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