

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
July 20, 2015**

**IM 5254**

**TO:** County Social Service Directors  
Economic Assistance Policy Regional Representatives  
Economic Assistance Policy Quality Control Reviewers

**FROM:** Carol Cartledge, Director, Economic Assistance

**SUBJECT: Definition of Spouse/Marriage**

**PROGRAMS:** HCC, SNAP, TANF and CCAP

**EFFECTIVE:** Immediately

**RETENTION:** Until superseded

**SECTIONS**

**AFFECTED:** **510-03-05 - Definitions (ACA Medicaid)**  
**510-05-05 - Definitions (Non-ACA Medicaid)**  
**510-07-05 - Definitions (Healthy Steps)**  
**430-05-10 - Definitions (SNAP)**  
**400-19-45-05-10 - Marriage Validity Policy (TANF)**  
**400-28-35-05 - Child Care Assistance Unit (CCAP)**

**NOTE: Other sections within these policy manuals that refer to husband and wife will be changed to spouse.**

A spouse is a person who is legally married to another person.

For a marriage performed in North Dakota to be considered valid in North Dakota, couples are required to obtain a marriage license through the County Recorder's Office.

Marriages that occur outside of North Dakota are considered valid in North Dakota if:

1. The marriage was legally performed in another state;

2. The marriage is a common law marriage that occurred in another state and was considered a valid marriage in that state (the couple would be required to provide documentation verifying that the common-law marriage was considered valid by the state in which it took place);
3. The marriage occurred in another country and the marriage was considered valid according to the law of the country where the marriage was contracted, unless the marriage violates the strong public policy of North Dakota.
4. Polygamous marriages violate the strong public policy of North Dakota. In situations where polygamy has occurred, the first marriage is considered valid in North Dakota if the marriage meets the criteria in #1, 2 or 3 above. Any additional spouse(s) claimed after the first marriage are considered non-relatives.