Should common law marriage be abolished or universally recognized in the US?

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Abstract

I investigate the effects of Common Law Marriage (CLM) on heterosexual couple formation, fertility, and relationship-specific investment among married and cohabiting couples using data from Current Population Survey, American Time Use Survey and CDC Vital Statistics. CLM effects are identified through cross-state and time variation, as several states repealed CLM over the period examined. Young men in CLM states are less likely to marry or cohabit. Young parents in CLM states spend less time in primary childcare, and men spend less time in household production. Married couples in CLM states have higher rates of home ownership. There is no link between CLM and relationship-specific investments for cohabiting couples in terms of labor supply, specialization, home ownership and children. Results support the case for abolition of CLM given that net social benefits of the law are likely negative.

1. Introduction

Laws regulating marriage and divorce have changed in the US in the last 50 years. Major reforms include legalization of interracial marriages in 1967, adoption of unilateral or no-fault divorce in the 1970s and legalization of same sex marriage in 2015. A number of states and cities have moved to recognize domestic partnerships for same- and opposite-sex partners as a type of civil union that grants some of the same benefits and responsibilities as marriage. These legal reforms reflect powerful social trends - the need for more gender equality in the workplace and at home, rising importance of companionship as a reason to form couples, acceptance of alternative lifestyles, and technology-enabled dating that crosses geographic and cultural boundaries.

Marriage rate per 1,000 population declined to its lowest level of 6.5 in 2018, down from 9.1 in 1994 [1]. Around 17% of new marriages are now between spouses of different races or ethnicities[2]. Premarital cohabitation became an acceptable form of a committed union. 15% of adults age 25-34 are currently cohabiting. In 2018, more young Americans between the ages of 18-24 lived with an unmarried partner than lived with a spouse, 9% vs 7%[3]. About 40% of all children in this country are born to single and cohabiting mothers[4] [5].

Similar shifts away from traditional marriage are seen all over the world and are accompanied by changes in family law. For example, in Australia, cohabiting and married couples are similarly treated by the legal system and government for the purpose of child custody, child support, family benefits, welfare payments, and equitable redistribution of property in the event of relationship breakdown (Chigavazira et al. 2019). Parts of Canada have also extended the property division regime of married couples to unmarried couples (Waggoner, 2016). Netherlands is experimenting with optional 'administrative divorce', a fast, cheap uncontested divorce procedure (Kabátek, 2019).

Amidst these rapid changes, many Americans are still bound by a centuries-old marriage law dating back to the first settlers, known as Common Law Marriage (CLM). Common law marriage, also known as unsolemnized marriage, does not require a marriage certificate or a ceremony. It can be established when couples cohabit and one or both parties announce themselves to be spouses by calling each other husband and wife in public, using the same last name, filing joint tax returns, or declaring their marriage on applications, leases, birth certificates, and other legal documents. Cohabiting couples who live in a state where common law marriage is available are often considered to be married if they have a child. Once established, common law marriage is the same as regular marriage, including its acceptance by all other states and government institutions dealing with tax collection and the redistribution of income, eligibility for spousal health insurance and other corporate benefits, and the need for a legal divorce to dissolve the union and distribute the assets.

Most US states recognized CLM in the past but no longer do. As of 2020, common-law marriage remains legal in Colorado, Iowa, Kansas, Montana, New Hampshire (only

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[1] National Center for Health Statistics 2018. National Marriage and Divorce Rate Trends https://www.cdc.gov/nchs/fastats/marriage-divorce.htm and Monthly Vital Statistics report 1996 https://www.cdc.gov/nchs/data/mvsr/mv44_12.pdf

[2] Pew Research center 2015. https://www.pewresearch.org/fact-tank/2017/06/12/key-facts-about-race-and-marriage-50-years-after-loving-v-virginia/

[3] US Census Bureau, 2018 https://www.census.gov/library/stories/2018/11/cohabitaiton-is-up-marriage-is-down-for-young-adults.html

[4] National Center for Health Statistics 2018 https://www.cdc.gov/nchs/fastats/unmarried-childbearing.htm

[5] Pew Research Center, 2017 https://www.pewsocialtrends.org/2018/04/25/the-changing-profile-of-unmarried-parents/

posthumously for purposes of inheritance), Oklahoma, Rhode Island, Texas, Utah, as well as in the Navajo Nation and in the District of Columbia. Six states recently repealed laws recognizing CLM: Ohio in 1991, Idaho in 1996, Georgia in 1997, and Pennsylvania in 2005, Alabama 2017, South Carolina 2019.

Like other marriage and divorce laws, CLM governs entitlement to property and benefits, and therefore affects household bargaining power behavior and incentives for couples to invest time and effort in the relationship. Our previous study of young adults shows that CLM is associated with lower rates of marriage and cohabitation, particularly among college-educated men, women without a college education, men and women with no children and in states with fewer men than women (Grossbard, Vernon 2014). We also showed that CLM reduces labor supply for some groups of young white and Hispanic college-educated married mothers, with no consistent impact on other groups of men and women and no significant impact on the time allocation of men and women (Grossbard, Vernon 2015). Our analysis of teenage childbearing suggests that CLM is associated with fewer births among teens age 15-18, and no association between CLM and fertility of women aged 22–25 (Grossbard, Vernon 2017).

In this study, I aim to update our previous findings with nine more years of data and with evidence from two more states that abolished CLM. In addition to analyzing individual-level data from CPS and ATUS, I present new evidence from state-level CDC Vital Statistics. I examine the impact of CLM on couple formation, fertility, labor supply, household production and childcare time, as well as on new outcomes: house ownership, number of children and household division of paid work. I focus on general effects on the population rather than subgroups. The ultimate goal is to better understand whether and how CLM influences incentives to form couples and whether couples in CLM states put more time and effort in the relationship. The knowledge will allow us to make informed choices regarding whether CLM should be abolished or universally adopted in the US.

I find that CLM is associated with one desirable outcome: higher home ownership among married couples. Apart from this impact, CLM has no impact on relationship specific investments among married and cohabiting couples. However, the law is linked to a number of undesirable outcomes: reduced incentives for marriage and cohabitation particularly among young men, reduced contribution of men to household production and reduced involvement of parents in childcare. The evidence strongly supports a case in favor of abolition of CLM.

2. Common Law Marriage and its effects

Figure 1 shows that over the last 32 years the number of CLM states decreased from 16 to 10 (9 states and Washington DC), and the share of US population who live in states that recognize CLM declined from 29 to 15.6%. The internet contains a lot of information and legal advice for couples about CLM, so we know it is practiced. Some indication of CLM's prevalence follows from a legal historian's reporting of about one hundred legal CLM–related judgments being issued each decade in each state at the federal level (Lind, 2008).

The history and practice of the CLM doctrine is described in Bowman (1996) and Lind (2008). Informal marriage was originally brought to the colonies by British settlers, and it remained in the U.S. long after its repeal in the U.K. in 1753. Among the factors that explain early popularity of these laws in the US are the philosophy of non-interference of the state in its citizens' private affairs and the practical advantages of establishing marriages in frontier conditions when priests were not available. A first wave of repeals of CLM laws occurred between 1875 and 1917; a second wave in the years 1921 to 1959. These repeals have been

rationalized in terms of transportation improvements (it became easier to register marriages), the expanded system of government benefits with spousal entitlements (making it more costly for states to recognize CLM), and growth in the number of contested marriage cases (Bowman 1996).

In abolishing common law marriage in South Carolina, the Supreme Court stated (Stone vs Thompson, 2017): 'We have concluded the institution's foundations have eroded with the passage of time, and the outcomes it produces are unpredictable and often convoluted. Accordingly, we believe the time has come to join the overwhelming national trend and abolish it. Therefore, from this date forward—that is, purely prospectively—parties may no longer enter into a valid marriage in South Carolina without a license.'

This court ruling points out the uncertain nature of CLM and the resulting challenges for the legal system. In most states with CLM there are no rules regarding cohabitation time required for common law marriage. A short-term cohabiting relationship may be called "marriage" if both spouses agree. Legal commitment to each other can be claimed *retroactively* by one partner after the relationship ends due to separation or death, even if the person never wanted to be married[6]. Incentives to claim that marriage rather than cohabitation existed are strong for the less wealthy member of the couple because declaring marriage affords alimony, 50% of a house, life insurance proceeds, or the estate of the deceased person, or a widow's benefit under Social Security.

Abolition does not eliminate old common law marriages, it stops new CLM marriages from being established after a specific date. Old CLMs will be recognized by governments and corporate HR offices with proper proofs such as tax returns, documents filed under penalty of perjury, introductions in public, contracts, and checking accounts. From the date of the abolition and on employees need a valid marriage license in order for their spouse to have access to benefit plans and for them to take a leave of absence under the Family and Medical Leave Act to care for a spouse with a serious health condition. Therefore, the full impact of the abolition is best observed over time as new couples are formed under the new regime. This is one of the reasons why I focus this study on younger adults who are more likely to form new couples.

The main challenge of evaluating the impact of CLM is lack of official data on CLM marriages, even though some counties encourage residents to register their CLMs. Our estimates of the effects of common law marriage are based on comparisons of outcomes in states where common law marriages are available with those where they are not and, in states that have repealed CLM, on comparisons of outcomes before and after the repeal. The fluid definition of marriage in CLM states is the reasons why the focus of this analysis is more on in-couple co-residence than on marriage and cohabitation as two separate states.

Vast economic literature examined the impact of other marriage and divorce laws on family outcomes. Adoption of joint custody affects marriage rates (Halla 2011) and the amount of household work of fathers (Roff 2017). Unilateral divorce reduces fertility rates (Drewianka 2008) and decreases female household work (Stevenson 2007). In Australia, adoption of the equitable redistribution of property law causes existing unmarried couples to make more relationship-specific investments as couples specialize more, have more children and are more likely to become homeowners (Chigavazira et al. 2019).

CLM can be seen as similar to equitable redistribution of property law for unmarried couples, and one may expect that it also creates stronger committed unions among cohabiting couples. To the extent that women own fewer assets than men, CLM implies a shift in

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[6] https://www.charlestonlaw.net/common-law-marriage-south-carolina/

bargaining power in favor of women in a cohabiting couple because the woman has an option at divorce to claim that cohabitation was marriage. The increase in women's bargaining power maybe reflected empirically in a reduction in women's labor supply and housework, and an increase in men's labor supply and housework. If the chances to claim marriage increase with having children and being homeowners, we may see an increase in fertility and home ownership for cohabiting couples, which in turn increases the cost of relationship breakdown. The implication is that CLM will increase relationship-specific investments such as increased specialization, having children or becoming a homeowner among cohabiting couples.

Stronger committed unions improve the wellbeing of individuals and the wellbeing of society overall. Larger households enjoy economies of scale in expenses; partners can specialize in various tasks which leads to higher productivity of both partners; household work requires no transaction costs, partners can enjoy joint consumption and make long-term investment decisions; and one partner's income can serve as insurance against the other partner's income shocks. Furthermore, children born to parents living in couple are better off than children of single parents (McLanahan and Sigle-Rushton 2004, Sigle-Rushton et al. 2005). On the aggregate scale, whether individuals form couples or not has an impact on the demand for goods and services such as housing and childcare.

3. Data.

CDC Vital Statistics 1988-2018[7]. These are state-level annual data on the number of marriage and divorces per 1,000 population, births per 1,000 women age 15-44, and births to teenage girls age 15-19 per 1,000 girls in the same age group. Figure 2 shows that marriage and divorce rates declined over time in both CLM and non-CLM states. Marriage rates are currently higher while divorce rates lower in CLM states. Fertility and teen births also show declining trends in both types of states, although fertility reversed trend in 1998 and peaked around 2007, and teen births also saw a small increase around that time. The last two columns in Table 1 show mean values for the outcomes of interest. All mean values are higher in CLM states, but the difference is statistically significant only for average teen births which are higher in CLM states.

CPS-ASEC microdata 1995 - 2019[8]. This is a large nationally representative dataset with information on demographic characteristics, labor market status, and identifiable cohabiting relationships. A drawback of the CPS is that not all cohabiting couples can be identified prior to 2007: until that date only relationships between household heads and their partners were recorded, while other household members were assigned either married or single status. Therefore our sample will underestimate the share of cohabiting couples in the population for 1995-2006. This should not be a problem as long as the designation of a household head and the composition of other family members do not vary systematically by CLM status. CPS surveys prior to 1995 do not distinguish between partners and roommates, hence we draw data starting in 1995.

I draw a sample of all US-born adults age 22-35. Younger people are more likely to be affected by the change in the marriage law as they are more likely to transition in and out of marriage and cohabitation. I drop same-sex couples in the analysis of couples. The sample

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[7] United States Department of Health and Human Services (US DHHS), Centers for Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS), Division of Vital Statistics, Natality public-use data 2007-2018, on CDC WONDER Online Database, September 2019. Accessed at http://wonder.cdc.gov/natality-current.html on Aug 23, 2020.

[8] https://cps.ipums.org/cps/

includes over 800,000 men and women, of which around 20% live in CLM states. Sample means are presented in the Appendix. It can be seen that CLM states have a higher proportion of married and a lower proportion of cohabiting residents. Respondents from CLM states are on average more likely Hispanic, less educated, have more children. CLM states have lower unemployment rates and less generous welfare payments. All differences by CLM status are statistically significant at 5% due to large samples.

American Time Use Survey 2003-2019[9]. This dataset is a time use supplement to the CPS. The survey is conducted several months after the CPS, and respondents are asked to update the main demographic, labor market and family status variables. The sample includes 10,196 men and 14,334 women age 22-35 who are either married or cohabiting. The sample size is much smaller than that of the CPS because only one household member is selected to participate in the supplement and the supplement covers a shorter number of years. As seen from the descriptive statistics in Appendix, ATUS respondents are more educated, more likely to be married and less likely to cohabit. The ATUS contains a lower percent of African American and a higher share of Hispanic respondents. Chores are defined to include cooking, cleaning, home repairs and maintenance, food, paying bills. Household production includes chores, non-food shopping, buying services and care of adults, children, and pets. Childcare is primary care of children. All activities include related travel and are measured in minutes per day.

4. Empirical Strategy

Our empirical strategy is to first use the state-level Vital Statistics data to estimate a series of models where Y, the outcome of interest, is a function of CLM and other determinants of a decision. For state s in year t, outcome Y is:

$$Y_{st} = \alpha CLM_{st} + \beta X_{st} + \delta_s + \gamma_t + \delta_s *t + u_{st} \qquad (1)$$

CLM, our variable of interest, indicates whether the state of residence recognizes CLM in year t;

δ_s are state fixed effects to account for unobservable differences in economic, legal, demographic and cultural environment that may affect individual choices, such as religiosity and laws regarding child custody;

γ_t are time dummies to capture the time trend; and

u_{ijt} are i.i.d. error terms.

$\delta_s *t$ are state-specific linear time trends included in some specifications. Freidberg (1998), Wolfers (2006) and Drewianka (2008) use state-level marriage and divorce data and similar models with state-specific trends to analyze the impact of unilateral divorce.

The vector of controls X consists of average annual unemployment rate, log of median income, log of maximum welfare payment for a family of two, shares of Black and Hispanic population, share of population in the 25-44 age group (15-24 for teen birth rates).

Some specifications also include indicators for the individual being in one of the six transition states in the year immediately before the repeal of CLM, the year after the repeal and in the second year following the repeal.

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[9] http://bls.gov/tus/

The standard errors are clustered by state of residence. This allows for an arbitrary correlation within state cells over time to capture any autocorrelation in outcomes (Bertrand, Duflo, and Mullainathan, 2004).

For individual-level data, I estimate the following equation:

$$Y_{ist} = \alpha_1 CLM_{st} * \text{Married}_{ist} + \alpha_2 CLM_{st} * \text{Cohabiting}_{ist} + \beta X_{ist} + \delta_s + \gamma_t + \delta_s * t + u_{st} \qquad (2)$$

Coefficient α_1 is the impact of CLM on a married person compared to their counterpart in a non-CLM state, and α_2 is the impact of CLM on a cohabiting person compared to their counterparts in non-CLM state. If the availability of CLM increases couple formation, we will observe positive coefficient α in the equation for the probability of being in a couple. If CLM increases the odds of being married or cohabiting relative to staying single, the corresponding coefficients for married and cohabiting will be positive.

In some specifications I also include indicators for the year before the repeal of the law and two years after in transition states to trace changes over time. I estimate probit regressions for binary outcomes and OLS for all other outcomes.

Outcomes Y are:
(1) probability of being in a couple (either married or cohabiting),
(2) probability of being married (versus unmarried),
(3) probability of cohabiting (versus being single) among unmarried respondents,
(4) probability of being employed, for respondents in a couple,
5) probability that the respondent lives in own house, for respondents in a couple,
6) number of own children in the household, for respondents in a couple,
7) usual hours worked per week, for respondents in a couple,
8) share of paid work performed by men and women in a couple
9) daily minutes spent doing chores and childcare , for respondents in a couple,
10) daily minutes spent in broader household production, for respondents in a couple,
11) daily minutes spent in primary childcare, for parents in a couple.

These data provide very large samples, while the variable of interest, CLM status, vary only at the state-year level, therefore, as a robustness test I show an additional set of results where the data are collapsed into state-year-sex-age cells prior to the analysis. The regression are run at that level, weighted by cell size. Similar method is employed for example by Gruber (2004) who used Census data to analyze the impact of divorce legislation.

5. Results: Does CLM affect couple formation and outcomes for cohabiting couples?
5.1 CLM and couple formation

State-level outcomes. Table 2 shows OLS estimates of equation (1) for state marriage rates, divorce rates, fertility and teen births. The coefficients on CLM indicator are not statistically significant in any of the marriage and divorce regressions suggesting that CLM does not have a significant effect on marriage and divorce rates. Negative and significant coefficients on CLM in fertility rate regressions suggest that CLM is associated with lower fertility for women age 15-44; women in non-CLM states give birth to 3 more children per 1,000 than women in non-CLM states. Reduction in fertility takes place in the two years immediately following abolition of CLM, as seen from the negative coefficients on years-after-repeal indicators for transition states. The coefficients on CLM in regressions for teen births are not significantly different from zero suggesting no systematic effect of CLM on teen births.

CPS individual-level outcomes. Table 3 columns 1-4 show coefficients on CLM in probit regressions for being in couple, being married, and being in a cohabiting relationship (if unmarried). The coefficients on CLM are negative for men and women for the probability of being in couple, but statistically significant only for men suggesting that CLM is associated with lower odds that a young man is either married or cohabiting. The odds of being in couple increase the year before the repeal and go down two years after. The probability of being married is lower for men but not for women in CLM states. The odds of being married does not change in the years immediately before or after abolition, but further declines two years after the repeal. The probability that an unmarried man is in a cohabiting relationship is lower in CLM states than in other states. The odds increase the year before the repeal and decrease the following years. Women are equally likely to cohabit in CLM states as they are in other states, although their chances of remaining single also increase in the second year after repeal.

The results in columns 5-8 based on averaged data, computed using OLS are similar to the results from individual data.

5.2 CLM and investment in relationship

Table 3 shows coefficients on the interactions of CLM and married and cohabiting indicators in regressions for couples, using raw and averaged data. The coefficient on the interaction term CLM*Married shows how different married men and women behave compared to their counterparts in non-CLM states. The coefficients are positive and significant in regressions for the probability of living in own house suggesting that married men and women in CLM states are more likely to be homeowners. With respect to all other outcomes – employment, number of children, usual weekly hours of work and share of paid work done by the respondent – married couples in CLM states are no different on average from married couples in other states.

The coefficients on cohabiting status suggest that cohabiting partners specialize less than married couples: men are less likely to be employed and they work 1 hour less per week on average than married men, while cohabiting women are more likely to be employed, they work 3.5 hours more than married women, and are responsible for a larger share of total paid work in the household. Cohabiting couples are significantly less likely to live in own house, and they have fewer children.

The coefficients on CLM*Cohabit are not significantly different from zero for any outcome which suggests that cohabiting couples in CLM states are on average no different from cohabiting couples elsewhere. There is no evidence that they invest more resources in the relationship, at least not in terms of paid work, household specialization, home ownership or children.

Table 4 shows coefficients on OLS regressions for time allocation. The time spent in chores does not differ by CLM status for married and cohabiting men and women. Negative coefficients in household production regressions for men suggest that married and cohabiting men in CLM states spend less time in household production (about 37 min less). This must be entirely due to less time devoted to shopping and care activities, since chores are not affected by CLM. The same is not true for women: the household production time of married and cohabiting women does not vary by CLM status. Childcare time regressions suggest that all mothers and fathers spend less time with children in CLM states. Married and cohabiting fathers spend 57 min and 65 min less correspondingly in primary childcare compared to their counterparts in other states. Married and cohabiting mothers devote 32min and 23min less to children than mothers do in non-CLM states.

6. Discussion and conclusion

This paper examined whether the availability of Common-Law Marriage (CLM) is associated with more couple formation and more relationship-specific investments among married and cohabiting young men and women in the U.S. A difference-in-difference analysis was performed exploiting the variation in the timing of CLM abolition by states.

The results suggest that while CLM does not affect overall marriage and divorce rates on the state level, it discourages in-couple residence, marriages and cohabitation of young men. CLM has no impact on marriage and cohabitation probabilities for young women. CLM has a small negative effect on state-level birth rates, but no significant effect on the number of children of young couples. I find no link between CLM and teen birth rates on the state level. Neither do I find any evidence that CLM affects household division of paid work and chores. I show that mothers and fathers in CLM states spend less time with children, and men spend less time in household production that includes caregiving. For married couples, CLM is associated with higher rates of home ownership. Apart from home ownership, CLM does not appear to be associated with higher investment in relationship-specific capital among married or cohabiting couples.

It follows that the repeal of CLM may increase the odds of young men living with a partner or a spouse, which is a socially desirable outcome. The repeal would be expected to have a small positive effect on fertility. It would lead to an increase the amount of time parents spend with their children, and the amount of time men spend in household production overall. For married couples, the repeal may reduce the incentive to own a house. This relatively small positive effects of CLM on home ownership is outweighed by the larger negative effect on couple formation. In addition to the large negative externalities that a relatively small number of contested CLM cases impose on the public court system, is reasonable to conclude that universal abolition of CLM will be improve social wellbeing.

In this analysis we have assumed that the repeal of CLM is an exogenous change. We realize that changes in legislation are not spurious: factors that have led to increases in in-couple residence rates may also have pushed states to repeal CLM laws. One of these factors may be social norms that are increasingly tolerant of cohabitation and accepting of an egalitarian division of labor within the household. The more egalitarian a society's gender norms the more households are formed (Sevilla-Sanz 2010). CLM goes against that trend: by providing marriage-like protection to those who perform the household production (typically women) it discourages men from cohabitating.

A more careful analysis should examine the effects of CLM in combination with other state laws. For example, states laws regulating custody and child support vary widely. Some states require no child support in joint custody cases, other states require fathers with joint custody to pay the same child support as those without custody. If CLM repeal is highly correlated with changes one of these laws, our results may have an explanation in terms of the other laws.

It is important to point out that some features of CLM are progressive and can be preserved in a new generation of marriage law. Ex-post recognition of marriage would be protective for older couples who do not want to officially marry because their Social Security benefits may change. Therefore, an option to declare marriage posthumously would work for them. Another desirable feature of CLM is that it can be used as a no-cost marriage. The future of living arrangements is likely to include wedding-less marriages and low-cost divorce, possibly even online marriage and online divorce.

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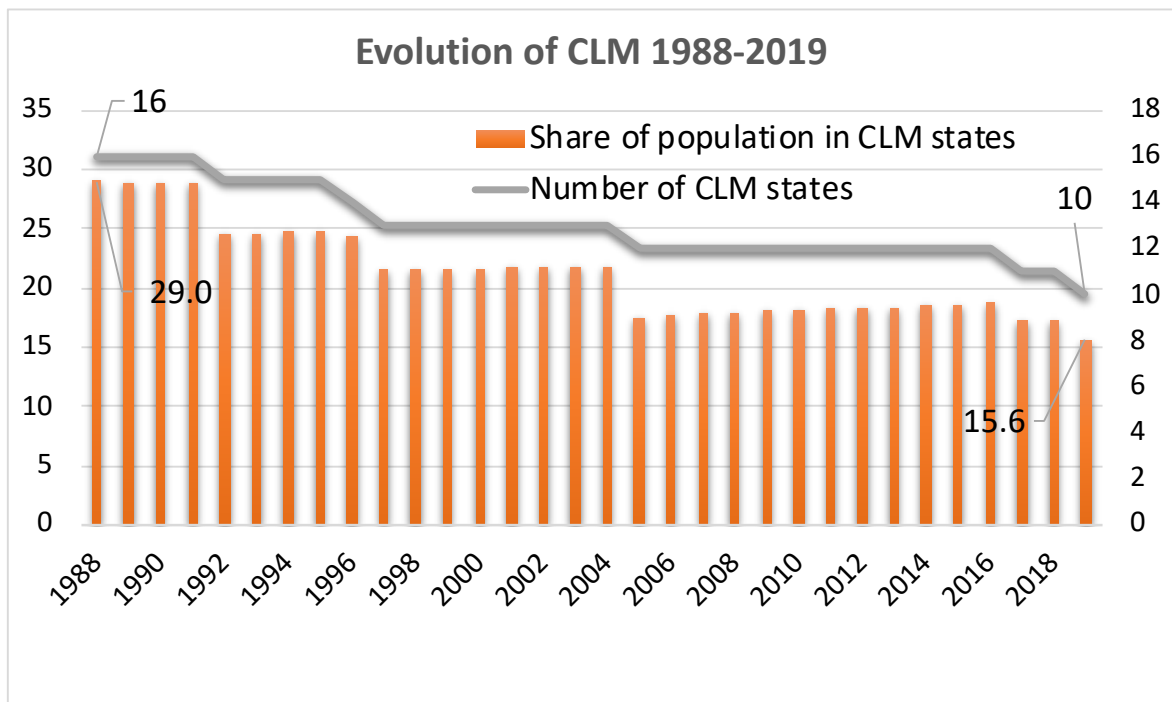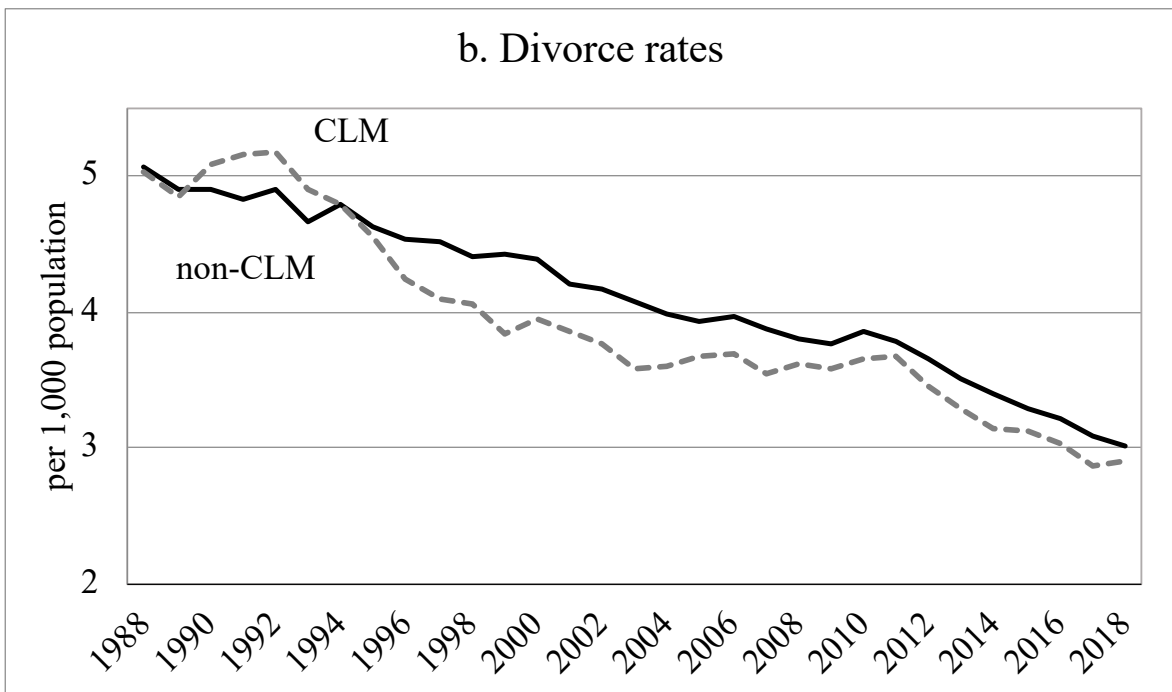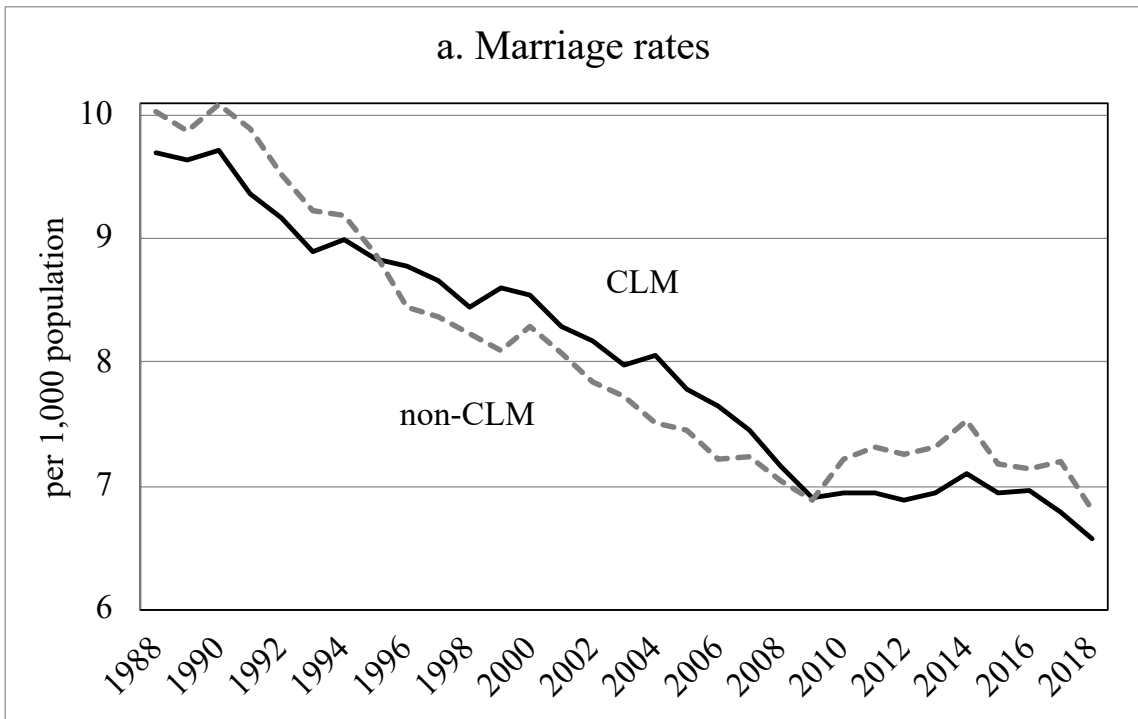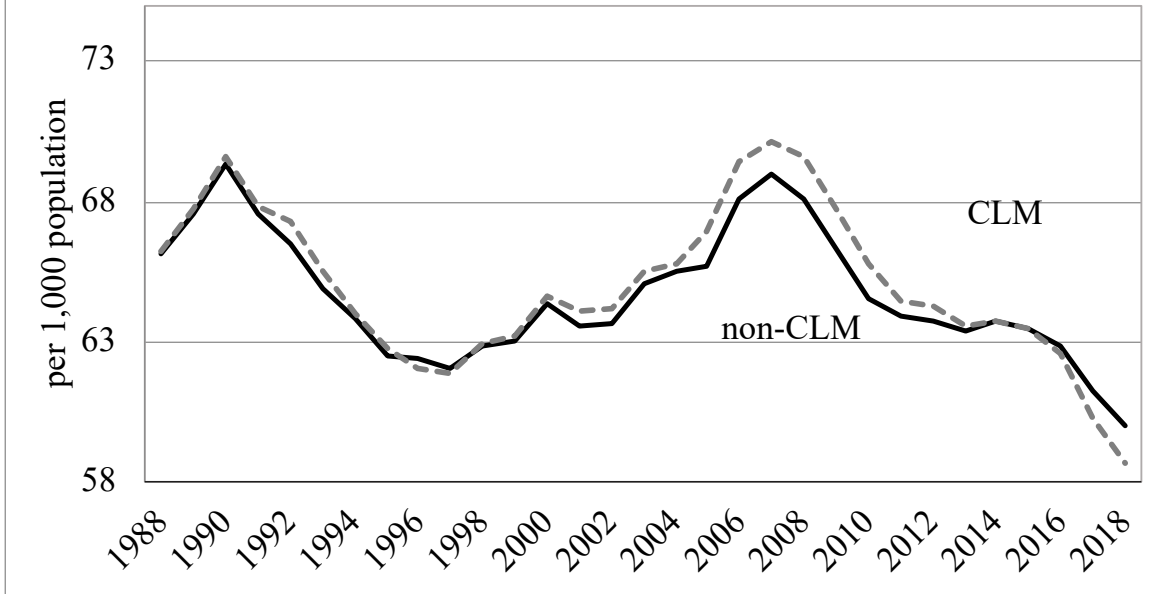Figure 1. The evolution of CLM since 1988

Figure 2. US vital statistics, 1988-2018

a. Marriage rates

b. Divorce rates

c. Fertility

d. Teen birth rates
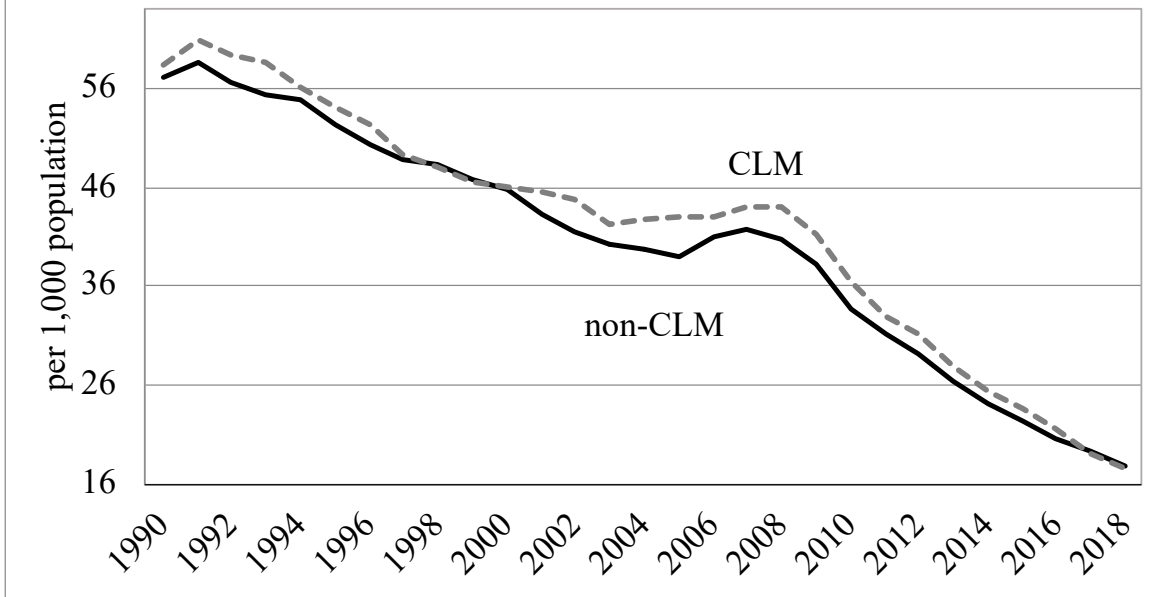
Table 1. Effect of CLM on marriages, divorces and birth rates. State-level CDC data 1988-2018.

	(1)	(2)	(3)	(4)	(5)	(6)
	OLS coefficients on CLM				Mean [st.dev]	
	State, year fixed effects	Add state characteristics	Add state-specific linear trends	Add dummies for years before/after	non-CLM states	CLM states
Marriage rates						
CLM	-0.1	-0.18	0.36	0.39	*7.33*	*8.14*
	[0.52]	[0.35]	[0.28]	[0.37]	*[1.85]*	*[1.68]*
Year before repeal				-0.18		
				[0.35]		
Year 1 after repeal				-0.01		
				[0.14]		
Year 2 after repeal				-0.04		
				[0.11]		
R^2	0.86	0.87	0.94	0.94		
N	1,543	1,543	1,543	1,543		
Divorce rates						
CLM	-0.07	0.24	0.35	0.48	*3.80*	*3.95*
	[0.36]	[0.28]	[0.23]	[0.37]	*[1.08]*	*[1.11]*
Year before repeal				0		
				[0.13]		
Year 1 after repeal				0.24		
				[0.33]		
Year 2 after repeal				0.35		
				[0.25]		
R^2	0.87	0.89	0.96	0.96		
N	1,440	1,440	1,440	1,440		
Fertility rates						
CLM	-3.35	-0.53	-2.12	-3.07	*64.42*	*67.79*
	[1.29]**	[0.88]	[1.32]	[1.79]*	*[5.77]*	*[7.81]*
Year before repeal				0.34		
				[0.59]		
Year 1 after repeal				-2.09		
				[0.99]**		
Year 2 after repeal				-1.98		
				[0.83]**		
R^2	0.79	0.85	0.94	0.94		
N	1,581	1,581	1,581	1,581		
Teen birth rates						
CLM	-3.29	0.77	-1.46	-2.19	38.34	48.39
	[3.24]	[2.24]	[1.31]	[1.75]	[16.33]	[17.55]
Year before repeal				1.16		
				[0.81]		
Year 1 after repeal				-0.62		
				[0.93]		
Year 2 after repeal				-1.11		
				[0.98]		
R^2	0.95	0.96	0.99	0.99		
N	1,479	1,479	1,479	1,479		

Notes: * p<0.1; ** p<0.05; *** p<0.01.
Dependent variables: Annual marriages per 1,000 population, annual divorces per 1,000 population, annual number of births per 1,000 females age 15- 44 years old, number of births to mothers age 15-19 per 1,000 females age 15-19. Marriage data is missing for Oklahoma 2000-03, California 1991, Louisiana 2006. Divorce data is missing for

Oklahoma, California, Indiana, Colorado and Hawaii for various years, and for Georgia after 2003. Source: CDC Vital Statistics and Monthly Vital Statistics reports 1988-2018 available at https://www.cdc.gov/nchs/nvss/marriage-divorce.htm .

Regressions are estimated using state population weights. Standard errors are clustered by state. Marriage rate regressions exclude Nevada. Including Nevada does not significantly change the coefficient on CLM.

All regressions include state and year fixed effects and state characteristics that include average annual unemployment rate, log of median income, log of maximum welfare payment for a family of two, shares of Black and Hispanic population, share of population in the 25-44 age group (15-24 for teen birth rates),.

Table 2. Effects of CLM on couple formation for young adults age 22-35 in CPS.

	Individual-level data (probit)				Data averaged by year, state, age (OLS)			
	MEN		WOMEN		MEN		WOMEN	
	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
In couple								
CLM	-0.04	-0.07	-0.02	-0.02	-0.03	-0.04	-0.02	-0.02
	[0.01]***	[0.01]***	[0.01]*	[0.02]	[0.01]**	[0.01]***	[0.01]*	[0.01]
Year before repeal	0.04	0.05	0.03	0.03	0.02	0.03	0.03	0.02
	[0.01]***	[0.01]***	[0.01]***	[0.02]	[0.01]***	[0.01]***	[0.01]***	[0.02]
Year 1 after repeal	-0.01	-0.03	0	-0.01	0	-0.02	0	-0.01
	[0.03]	[0.02]	[0.01]	[0.02]	[0.02]	[0.02]	[0.01]	[0.01]
Year 2 after repeal	-0.03	-0.05	-0.04	-0.05	-0.02	-0.03	-0.03	-0.04
	[0.02]**	[0.01]***	[0.02]*	[0.00]***	[0.02]	[0.01]**	[0.02]	[0.00]***
N	401,633	401,633	441,158	441,158	17,849	17,849	17,850	17,850
R^2					0.8	0.8	0.7	0.7
Married								
CLM	0	-0.03	0.01	-0.02	0	-0.03	0	-0.02
	[0.01]	[0.01]***	[0.01]	[0.02]	[0.00]	[0.01]***	[0.01]	[0.01]
Year before repeal	-0.01	0.01	0.01	0.03	0	0.01	0.01	0.02
	[0.02]	[0.02]	[0.02]	[0.02]	[0.01]	[0.01]	[0.01]	[0.02]
Year 1 after repeal	-0.01	-0.02	0.01	0	0	-0.01	0	0
	[0.02]	[0.02]	[0.01]	[0.02]	[0.01]	[0.02]	[0.01]	[0.01]
Year 2 after repeal	0	-0.02	-0.02	-0.03	0	-0.01	-0.02	-0.02
	[0.01]	[0.01]***	[0.01]**	[0.01]**	[0.00]	[0.00]***	[0.01]**	[0.01]**
N	401,633	401,633	441,158	441,158	17,849	17,849	17,850	17,850
R^2					0.83	0.83	0.76	0.77
Cohabiting (among singles)								
CLM	-0.04	-0.03	-0.04	0	-0.03	-0.03	-0.04	0
	[0.01]***	[0.01]**	[0.02]**	[0.01]	[0.01]**	[0.01]**	[0.02]	[0.01]
Year before repeal	0.04	0.03	0.04	0.01	0.03	0.02	0.04	0.01
	[0.01]***	[0.02]*	[0.01]***	[0.01]	[0.01]***	[0.01]*	[0.01]***	[0.01]
Year 1 after repeal	-0.01	-0.02	-0.01	0	-0.01	-0.02	0	0
	[0.01]	[0.01]**	[0.02]	[0.01]	[0.02]	[0.01]**	[0.02]	[0.01]
Year 2 after repeal	-0.04	-0.05	-0.04	-0.04	-0.03	-0.04	-0.04	-0.03
	[0.02]**	[0.01]***	[0.03]	[0.02]**	[0.02]	[0.02]**	[0.04]	[0.02]*
N	221,346	221,346	219,623	219,623	17,793	17,793	17,788	17,788
R^2					0.42	0.43	0.26	0.27

Note: Other controls in Tables 2 and 3 are: age, age-squared, four education dummies, indicators for Black, Hispanic, foreign-born, urban residence, suburban residence, unemployment rate, log of maximum welfare payment for a family of two. All regressions except where the dependent variable is the number of children also control for the number of children.
OLS regression models for averaged data use age indicators instead of age and age-squared variables.

Table 3. Effect of CLM on outcomes for married and cohabiting couples, adults age 22-35 in CPS 1995-2019

Outcomes	Individual-level data (probit)				Data averaged by year, state, age (OLS)			
	MEN		WOMEN		MEN		WOMEN	
	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends	State, year fixed effects	Add state-specific linear trends
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Employed								
CLM*Married	-0.01	-0.02	0	0.01	-0.01	-0.02	0.01	0.01
	[0.00]	[0.01]*	[0.01]	[0.01]	[0.00]	[0.01]	[0.01]	[0.01]
CLM*Cohabit	-0.01	-0.02	0	0.01	0	0	-0.03	-0.01
	[0.01]	[0.01]	[0.02]	[0.01]	[0.01]	[0.01]	[0.03]	[0.03]
Cohabiting	-0.04	-0.04	0.08	0.08	-0.04	-0.04	0.06	0.06
	[0.00]***	[0.00]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***
N	221,869	221,869	265,620	265,620	17,593	17,593	17,774	17,774
R²					0.15	0.15	0.24	0.25
Lives in own house								
CLM*Married	0.02	0.03	0.04	0.05	0.01	0.03	0.02	0.04
	[0.01]***	[0.02]*	[0.01]***	[0.01]***	[0.01]*	[0.02]*	[0.01]***	[0.01]***
CLM*Cohabit	-0.01	0	0	0.01	-0.02	-0.02	0	-0.01
	[0.01]	[0.02]	[0.01]	[0.01]	[0.02]	[0.03]	[0.03]	[0.03]
Cohabiting	-0.21	-0.21	-0.2	-0.2	-0.19	-0.18	-0.19	-0.19
	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***
N	221,869	221,869	265,620	265,620	17,593	17,593	17,774	17,774
R²					0.6	0.61	0.64	0.64
Number of children								
CLM*Married	0.01	0.03	-0.02	0.04	0.01	0.04	-0.01	0.04
	[0.05]	[0.04]	[0.02]	[0.04]	[0.05]	[0.04]	[0.03]	[0.04]
CLM*Cohabit	-0.05	-0.02	-0.04	0.02	-0.09	-0.04	-0.06	0
	[0.05]	[0.05]	[0.03]	[0.04]	[0.08]	[0.08]	[0.06]	[0.07]
Cohabiting	-0.5	-0.5	-0.46	-0.46	-0.33	-0.33	-0.38	-0.38
	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.04]***	[0.04]***	[0.04]***	[0.04]***
N	221,869	221,869	265,620	265,620	17,593	17,593	17,774	17,774
R²	0.19	0.19	0.22	0.22	0.58	0.58	0.65	0.65
Usual hours of work (includes zero)								
CLM*Married	0.27	0.18	-0.32	-0.38	0.2	-0.02	-0.25	-0.27
	[0.41]	[0.48]	[0.55]	[0.52]	[0.42]	[0.53]	[0.56]	[0.55]
CLM*Cohabit	0.33	0.29	-0.42	-0.39	0.76	0.85	-1.65	-1.25
	[0.60]	[0.65]	[0.61]	[0.63]	[0.85]	[0.93]	[1.24]	[1.38]
Cohabiting	-1.1	-1.12	3.62	3.59	-0.51	-0.63	3.09	2.82
	[0.30]***	[0.30]***	[0.31]***	[0.31]***	[0.59]	[0.58]	[0.58]***	[0.60]***
N	221,869	221,869	265,620	265,620	17,526	17,526	17,622	17,622
R²	0.05	0.05	0.12	0.12	0.24	0.25	0.23	0.24
Share of paid work done by respondent								
CLM*Married	0.01	0.01	0	0	0	0	0	0
	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]
CLM*Cohabit	0.01	0.01	-0.01	0	0.03	0.03	-0.02	-0.02
	[0.01]	[0.01]	[0.01]	[0.01]	[0.02]**	[0.02]	[0.02]	[0.02]
Cohabiting	-0.08	-0.08	0.04	0.04	-0.03	-0.03	0.05	0.04
	[0.00]***	[0.00]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***	[0.01]***
N	208,585	208,585	250,221	250,221	17,547	17,547	17,752	17,752
R²	0.09	0.09	0.07	0.07	0.13	0.14	0.14	0.15

Table 4. Effect of CLM on time use for married and cohabiting couples, adults age 22-35 in CPS 1995-2019

	MEN		WOMEN	
	State, year fixed effects	Add controls X	State, year fixed effects	Add controls X
	(1)	(2)	(3)	(4)
Chores				
CLM*Married	-3.4	0.4	11.7	9.8
	[16.0]	[19.5]	[7.5]	[10.7]
CLM*Cohabit	5.6	7.6	-0.9	0.2
	[19.9]	[23.1]	[11.5]	[12.3]
Cohabiting	-4.9	-3.4	-25.5	-3.5
	[4.2]	[4.1]	[5.4]***	[4.6]
N	10,196	10,196	14,334	14,334
R^2	0.06	0.09	0.02	0.17
Household production= chores + care				
CLM*Married	-45.9	-37.4	1.1	-7.4
	[8.9]***	[7.0]***	[9.9]	[16.1]
CLM*Cohabit	-44.7	-37.2	-11.2	-16.6
	[10.1]***	[12.6]***	[18.2]	[21.4]
Cohabiting	-26.6	-7.8	-74.9	-8.5
	[6.7]***	[5.8]	[8.5]***	[6.2]
N	10,196	10,196	14,334	14,334
R^2	0.05	0.13	0.03	0.3
Childcare, parents only				
CLM*Married	-60.1	-56.7	-28.1	-32.5
	[31.1]*	[22.0]**	[10.6]**	[10.6]***
CLM*Cohabit	-72.8	-68.5	-19	-23.4
	[35.2]**	[26.0]**	[11.0]*	[12.4]*
Cohabiting	8.8	16.4	-19	4.6
	[8.9]	[8.3]*	[8.7]**	[7.5]
N	8,034	8,034	11,898	11,898
R^2	0.03	0.1	0.04	0.16

Notes: dependent variables are measured in minutes per day.
Other controls are: age, age-squared, four education dummies, indicators for Black, Hispanic, foreign-born, metropolitan residence, number of children age 0-4 and 5-17, log of household income, employment status of self and spouse, unemployment rate, log of maximum welfare payment for a family of two, indicators for Friday, Saturday, Sunday, holiday.

Appendix. Summary statistics

	MEN		WOMEN	
	non-CLM	CLM	non-CLM	CLM
A. Current Population Survey 1995-2019				
All respondents (share in CLM)	310,069	92,861 (20.0%)	340,610	10,451 (20.0%)
In couple	0.478	0.521	0.564	0.600
Married	0.373	0.429	0.455	0.507
Cohabiting (among singles)	0.167	0.160	0.200	0.189
In couple, N	170,111	53,046	204,843	62,661
Employed	0.895	0.913	0.679	0.665
Lives in own house	0.541	0.564	0.573	0.600
Number of children	1.21 (1.19)	1.32 (1.22)	1.34 (1.23)	1.44 (1.26)
Usual weekly hours of work	36.7 (17.7)	38.2 (17.3)	24.9 (19.5)	24.4 (19.7)
Share of paid work done by respondent	0.61 (0.29)	0.64 (0.29)	0.37 (0.29)	0.35 (0.29)
Age	29.9 (3.6)	29.7 (3.7)	29.5 (3.8)	29.3 (3.8)
No high school	0.116	0.140	0.096	0.116
Some college	0.275	0.284	0.296	0.301
College degree	0.212	0.198	0.248	0.238
Graduate degree	0.086	0.073	0.101	0.078
Black	0.088	0.080	0.084	0.075
Hispanic	0.169	0.231	0.161	0.220
Foreign-born	0.016	0.014	0.015	0.013
Urban residence	0.266	0.285	0.263	0.279
Suburban residence	0.572	0.520	0.578	0.529
Unemployment rate	5.9 (2.0)	5.2 (1.5)	5.9 (2.0)	5.2 (1.5)
Max welfare for two	820 (176)	696 (119)	821 (175)	696 (119)
B. American Time Use Survey 2003-2019				
In couple (share in CLM)	7,972	2,224 (20.9%)	11,274	3,060 (20.6%)
Chores, min/day	79 (117)	73 (105)	148 (139)	145 (137)
Household production, min/day	174 (177)	162(164)	313 (219)	309 (215)
Childcare (parents) , min/day	82 (110)	71 (97)	166 (145)	158 (137)
Cohabiting	0.165	0.113	0.142	0.126
Employed	0.924	0.943	0.683	0.677
Age	30.0 (3.5)	29.8 (3.5)	29.6 (3.7)	29.3 (3.8)
No high school	0.110	0.131	0.090	0.100
Some college	0.233	0.254	0.268	0.264
College degree	0.257	0.241	0.281	0.295
Graduate degree	0.115	0.103	0.146	0.096
Black	0.071	0.057	0.064	0.049
Hispanic	0.183	0.286	0.183	0.266
Foreign-born	0.199	0.208	0.218	0.192
Metropolitan residence	0.845	0.794	0.847	0.833
Number of children age 0-4	0.63 (0.76)	0.63 (0.76)	0.66 (0.77)	0.67 (0.77)
Number of children age 5-17	0.54 (0.92)	0.65 (0.98)	0.66 (0.99)	0.74 (1.02)
Unemployment rate	6.1 (2.2)	5.3 (1.7)	6.1 (2.2)	5.4 (1.7)
Max welfare for two	788 (164)	686 (107)	794 (167)	681 (105)
Household income in 2019 $	77,238 (55,691)	70,330 (47,788)	78,895 (57,223)	73,123 (53,215)

Note: The table shoes mean values and standard deviation (in parentheses) of all variables
used in the analysis. Both samples consist of men and women age 22-35.
Home ownership is measured at the household level.