

SUMMARY STATEMENT
Martinez v. Carretero, Docket No. 49859

This appeal concerns the existence of a common law marriage between Marianita Martinez and Victorio Carretero. On May 4, 2020, Martinez filed a petition for decree of divorce, alleging that she and Carretero entered a common law marriage during a seven-month period they lived together in Idaho following their previous April 1995 divorce. By statute, Idaho recognizes common law marriages only if they were entered before January 1, 1996.

After the parties filed cross-motions for summary judgment on the common law marriage claim, the magistrate court held an evidentiary hearing on the parties' motions. At this hearing, the magistrate court excluded all evidence of the parties' conduct on or after January 1, 1996, as being irrelevant to whether the parties had entered into a common law marriage prior to that date. This ruling resulted in the exclusion of, among other things, evidence of a life insurance application dated January 10, 1996, in which Carretero identified Martinez as his "wife"—two months after the parties left Idaho in November 1995. At the close of the hearing, the magistrate court concluded there was not sufficient evidence to show that the parties had consented to marry within the seven-month period prior to January 1, 1996. The magistrate court then dismissed Martinez's claim of a common law marriage.

Martinez appealed to the Idaho Supreme Court, arguing that the magistrate court erred by (1) holding an evidentiary hearing instead of granting Martinez summary judgment as a matter of law when Carretero raised no issue of material fact; (2) excluding evidence of the parties' conduct after the statutory cut-off date because it was relevant to proving a common law marriage existed before that date; and (3) granting Carretero's motion for an involuntary dismissal when Martinez provided prima facie evidence of a common law marriage sufficient to shift the burden to Carretero to disprove the marriage by clear and convincing evidence.

The Idaho Supreme Court held that Martinez failed to preserve her argument that the magistrate court erred by conducting an evidentiary hearing because the record established that Martinez invited the error and that she never objected to the hearing. The Court further held that the magistrate court erred by excluding evidence of the parties' conduct after December 31, 1995, because the evidence had some tendency to prove that the parties consented to enter a common law marriage prior to the statutory deadline. Finally, the Court held that the erroneous exclusion of this evidence affected Martinez's substantial rights because the evidence could have affected the outcome of the litigation. Therefore, the Idaho Supreme Court reversed the district court's decision affirming the involuntary dismissal of Martinez's common law marriage claim and remanded with instructions that the district court remand this matter to the magistrate court for further proceedings.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******