## Chapter 5. Relationship and Dependency

#### Table of Contents

**Section A: General Information on Relationship and Dependency**

 Overview 5-A-1

 1. General Policies Regarding the Establishment of Relationship and
Dependency 5-A-2

 2. Burden of Proof 5-A-8

 3. Jurisdiction Over Relationship Determinations 5-A-10

 4. Methods of Obtaining Information, Including Handling Information Received by Telephone, E-Mail, or Fax 5-A-15

**Section B: General Information on Establishing Marital Relationship**

 Overview 5-B-1

 5. Requirements and Development Guidelines for Establishing Marital
Relationship 5-B-2

 6. Development Procedures 5-B-5

 7. Termination of Marriage Through Annulment or Divorce 5-B-9

 8. Termination of Marriage Through Death 5-B-11

 9. Determining Whether a Marriage Is Void 5-B-14

 10. Documentary Evidence to Prove Dissolution of Prior Marriages 5-B-16

 11. Removal of Impediments to Marriage 5-B-18

**Section C: Establishing Common Law Marriages**

 Overview 5-C-1

 12. Common Law Marriage Requirements 5-C-2

 13. Development to Establish a Common Law Marriage 5-C-6

 14. Validity of Common Law Marriages By State 5-C-8

 15. Validity of Common Law Marriages Outside the U.S. 5-C-9

 16. Establishing a Common Law Marriage for a Claimant Not Living in a State
Recognizing Common Law Marriages 5-C-10

 17. Establishing a Common Law Marriage Against the Claimant’s Will 5-C-14

 18. Administrative Decision Required to Recognize or Reject a Common Law
Marriage 5-C-16

**Section D: Establishing Other Types of Marriages**

 Overview 5-D-1

 19. Tribal, Proxy, and Transgender Marriages 5-D-2

Continued on next page

Table of Contents, Continued

**Section E: Establishing Marital Relationship in Death Cases**

 Overview 5-E-1

 20. Establishing a Valid Marriage in Death Cases 5-E-2

 21. General Information on the Marriage Dates Requirement 5-E-5

 22. Marriage Dates Requirement and Pension Claims 5-E-7

 23. Marriage Dates Requirement and Dependency and Indemnity Compensation (DIC)
Claims 5-E-9

 24. Marriage Dates: Multiple Marriages to Veteran 5-E-11

 25. Continuous Cohabitation 5-E-13

 26. Deemed Valid Marriage 5-E-17

 27. Deemed Valid Marriage: Lack of Knowledge of Impediment 5-E-20

 28. Deemed Valid Marriage: Multiple Claimants 5-E-22

1. Deemed Valid Marriage: Multiple Claimants As Surviving Spouse; Legal

 Surviving Spouse’s Income Exceeds Limits for Pension 5-E-26

**Section F: Establishing a Child’s Age and Relationship and Adjusting Awards for Dependents**

 Overview 5-F-1

 30. General Requirements to Be Considered a Child 5-F-2

 31. Eligibility Requirements for a Child 5-F-4

 32. Establishing Age and Relationship 5-F-6

 33. Documentary Evidence of a Child’s Age 5-F-9

 34. General Information on Award Adjustments for Dependents 5-F-12

 35. Additional Compensation for Dependents 5-F-15

 36. Adjustments Due to Loss of a Dependent 5-F-21

**Section G: Establishing a Biological Child, Adopted Child, or Stepchild as a Veteran’s Child for Department of Veterans Affairs (VA) Purposes**

 Overview 5-G-1

 37. Establishing a Biological Child as a Veteran’s Child for VA Purposes 5-G-2

 38. Establishing an Adopted Child as a Veteran’s Child for VA Purposes 5-G-5 39. Surviving Spouse’s Adoption of a Child After the Veteran’s Death 5-G-10

 40. Adoption in a Foreign Jurisdiction 5-G-11

 41. Adoption of a Child Out of a Veteran’s Family 5-G-18

 42. Establishing a Stepchild as a Veteran’s Child for VA Purposes 5-G-21

**Section H: Marriage of a Child**

 Overview 5-H-1

 43. Effect of a Child’s Marriage 5-H-2

 44. Termination of a Child’s Marriage 5-H-6

Continued on next page

, Continued

**Section I: Establishing Parental Relationship**

 Overview 5-I-1

 45. Definitions and General Guidelines 5-I-2

 46. Determining Entitlement 5-I-4

 47. Effect of Court Judgments 5-I-6

 48. Establishing the Relationship Between Veteran and Biological Parent 5-I-7

 49. Establishing a Parental Relationship Through Adoption 5-I-10

 50. Establishing the Relationship Between Veteran and Foster Parent 5-I-12

1. Only One Father and One Mother Recognized for Department of

 Veterans Affairs (VA) Purposes 5-I-17

 52. Abandonment by Parent 5-I-20

**Section J: Establishing Parental Dependency**

 Overview 5-J-1

 53. General Information on Establishing Parental Dependency 5-J-2

 54. Conclusive Dependency–Domestic Cases Only 5-J-6

 55. Factual Dependency–Foreign Cases and Domestic Cases 5-J-8

 56. Administrative Decisions–Dependency Determinations 5-J-10

 57. Requests for Proof of Continued Dependency in Connection With
Award Action 5-J-11

 58. Follow-Ups to Determine Whether Dependency Has Ceased 5-J-13

1. Changes in Marital and Dependency Status of Parents in Disability and

 Death Compensation Cases 5-J-14

 60. Death of One of Two Dependent Parents 5-J-16

 61. Reestablishment of Parental Dependency 5-J-19

**Section K: Verification of Marital Status and the Status of Dependents**

 Overview 5-K-1

 62. Periodic Verification of Marital Status and the Status of Dependents 5-K-2

 63. Initial Screening of Questionnaires 5-K-5

 64. Award Adjustments Based on Information Provided on a Questionnaire 5-K-9

 65. Failure to Return a Questionnaire 5-K-11

 66. Returned Mail–Erroneous Address 5-K-16

 67. Maintaining Data in the Corporate Record 5-K-17

 68. Questionnaires with Claims Folders at Other Locations 5-K-18

 69. End Product (EP) Credit 5-K-20