

Getting Married in New York State

The
Marriage
License

Where can a couple get a NYS Marriage License?

- ❑ A couple who intends to be married in New York State must apply in person for a marriage license to any Town or City Clerk in the state.

- ❑ The Marriage License consists of 2 parts
 - The Affidavit portion – information provided by the couple
 - The License and Certificate portion – information provided by the Clerk and the Officiant

COUNTY _____
CITY/TOWN _____
DISTRICT NUMBER _____
REGISTER NUMBER _____

STATE OF NEW YORK

DEPARTMENT OF HEALTH

AFFIDAVIT, LICENSE and CERTIFICATE OF MARRIAGE

STATE FILE NUMBER _____
(THIS SPACE FOR STATE USE ONLY)

SUPPLEMENTAL FILE _____

BRIDE/GROOM/SPOUSE		BRIDE/GROOM/SPOUSE	
1. A. FULL NAME _____ FIRST MIDDLE CURRENT SURNAME		11. A. FULL NAME _____ FIRST MIDDLE CURRENT SURNAME	
B. BIRTH NAME, IF DIFFERENT _____		B. BIRTH NAME, IF DIFFERENT _____	
C. SURNAME AFTER MARRIAGE (OPTIONAL - SEE REVERSE) _____		C. SURNAME AFTER MARRIAGE (OPTIONAL - SEE REVERSE) _____	
D. SOCIAL SECURITY NUMBER _____		D. SOCIAL SECURITY NUMBER _____	
2. RESIDENCE A. _____ B. _____ (STATE) (COUNTY)		12. RESIDENCE A. _____ B. _____ (STATE) (COUNTY)	
C. CHECK ONE AND SPECIFY CITY <input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input type="checkbox"/>		C. CHECK ONE AND SPECIFY CITY <input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input type="checkbox"/>	
D. STREET ADDRESS _____ ZIP _____		D. STREET ADDRESS _____ ZIP _____	
E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>		E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>	
3. A. AGE _____ B. DATE OF BIRTH _____ C. SEX (OPTIONAL) _____ MM/DD/YYYY		13. A. AGE _____ B. DATE OF BIRTH _____ C. SEX (OPTIONAL) _____ MM/DD/YYYY	
4. EMPLOYMENT		14. EMPLOYMENT	
A. USUAL OCCUPATION _____		A. USUAL OCCUPATION _____	
B. TYPE OF INDUSTRY OR BUSINESS _____		B. TYPE OF INDUSTRY OR BUSINESS _____	
5. PLACE OF BIRTH _____ (CITY, STATE / COUNTRY, IF NOT USA)		15. PLACE OF BIRTH _____ (CITY, STATE / COUNTRY, IF NOT USA)	
6. FATHER OR PARENT		16. FATHER OR PARENT	
A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____		A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____	
B. COUNTRY OF BIRTH _____		B. COUNTRY OF BIRTH _____	
7. MOTHER OR PARENT		17. MOTHER OR PARENT	
A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____		A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____	
B. COUNTRY OF BIRTH _____		B. COUNTRY OF BIRTH _____	
8. NUMBER OF THIS MARRIAGE _____		18. NUMBER OF THIS MARRIAGE _____	
9. PREVIOUS MARRIAGES		19. PREVIOUS MARRIAGES	
A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY DIVORCE: _____ CIVIL ANNULMENT: _____ DEATH: _____		A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY DIVORCE: _____ CIVIL ANNULMENT: _____ DEATH: _____	
B. HOW DID LAST MARRIAGE END? DIVORCE <input type="checkbox"/> (2) ANNULMENT <input type="checkbox"/> (3) DEATH <input type="checkbox"/> (2)		B. HOW DID LAST MARRIAGE END? DIVORCE <input type="checkbox"/> (3) ANNULMENT <input type="checkbox"/> (3) DEATH <input type="checkbox"/> (2)	
C. DATE LAST MARRIAGE ENDED? _____ MM/DD/YYYY		C. DATE LAST MARRIAGE ENDED? _____ MM/DD/YYYY	
D. ARE ANY FORMER SPOUSE(S) ALIVE? YES <input type="checkbox"/> NO <input type="checkbox"/>		D. ARE ANY FORMER SPOUSE(S) ALIVE? YES <input type="checkbox"/> NO <input type="checkbox"/>	
20. IF PREVIOUSLY DIVORCED OR ANNULLED, PROVIDE THE FOLLOWING INFORMATION		20. IF PREVIOUSLY DIVORCED OR ANNULLED, PROVIDE THE FOLLOWING INFORMATION	
DATE OF DECREE PLACE ISSUED AGAINST WHOM		DATE OF DECREE PLACE ISSUED AGAINST WHOM	
(MONTH, DAY, YEAR) (CITY/COUNTY, STATE/COUNTRY, IF NOT USA) SELF SPOUSE		(MONTH, DAY, YEAR) (CITY/COUNTY, STATE/COUNTRY, IF NOT USA) SELF SPOUSE	
1ST _____ <input type="checkbox"/> <input type="checkbox"/>		1ST _____ <input type="checkbox"/> <input type="checkbox"/>	
2ND _____ <input type="checkbox"/> <input type="checkbox"/>		2ND _____ <input type="checkbox"/> <input type="checkbox"/>	
3RD _____ <input type="checkbox"/> <input type="checkbox"/>		3RD _____ <input type="checkbox"/> <input type="checkbox"/>	
4TH _____ <input type="checkbox"/> <input type="checkbox"/>		4TH _____ <input type="checkbox"/> <input type="checkbox"/>	
I duly swear/affirm, depose and say, that to the best of my knowledge and belief that the information I provided is true and that I declare that no legal impediment exists as to my right to enter into the marriage state.			
21. SIGNATURE ▶ _____		22. SIGNATURE ▶ _____	
USE CURRENT NAME		USE CURRENT NAME	
23. SUBSCRIBED AND SWORN TO/AFFIRMED BEFORE ME		DATE _____	
SIGNATURE OF TOWN OR CITY CLERK ▶ _____			

STATE _____
CITY/TOWN/VILLAGE _____
STREET AND NUMBER _____

AFFIDAVIT

Issuance of Affidavit

- ❑ New York State does not recognize proxy marriages. The Affidavit must be completed by the couple, no proxies or representatives.
- ❑ The Department of Health has no authority over your procedures to issue a license. Issuance requirements are implemented at the local level.
 - Have a system and be consistent. We recommend the use of a worksheet.
- ❑ The following guidelines are provided by the DOH to aid with issuance procedures.

Marriage Pamphlets

- Provide couple with the pamphlet, “Getting Married in New York State”.
- Provide couple with the pamphlet, “Thinking About the Next Generation’s Health”.

Should proof of identity be requested?

- An applicant should be asked to submit a current I.D. This I.D. should be in the form of a picture driver's license, a DMV-issued non-driver's license, passport or an employment picture I.D. The name on this documentation is to be used on lines 1A and 11A of the marriage license (current name).
- Residence –
 - Information collected is the residence municipality (where taxes are paid), not necessarily mailing address.

Can first cousins marry?

- Yes, however a marriage may not take place between an ancestor and a descendant, a brother and sister, an uncle and niece or an aunt and a nephew.

Should a birth certificate be requested of all applicants?

- Yes, a birth certificate should be requested from all applicants regardless of their age. The birth certificate provides exact spellings of names, age, exact date of birth, place of birth, and parents names.
 - If no father, enter not listed
 - If Birth Record was amended, the amended information is to be collected
- If birth name is different from current name, this name is also entered on 1B & 11B.

Is there an age requirement for issuing a Marriage license?

- If either applicant is under 17 years of age, a marriage license cannot be issued.
- If either applicant is 17 years of age, such applicant(s) must present the written consent of both parents and a justice of the Supreme Court or a judge of the Family Court having jurisdiction over the town or city in which the application is made.
- Court orders and consent forms become part of the License.
 - Supplemental File – and attach.

Is Social Security Number required?

- While a Social Security Number is not required to be able to purchase a marriage in New York State, the Clerk is required to query the information. Do not leave blank.
 - If applicant does not have a Social Security Number, enter “N/A” in the space for Social Security Number.
 - If applicant refuses to supply Social Security Number enter “Refused” in the space for Social Security Number.
- Always redact the Social Security Numbers, of both spouses, from marriages when issuing Certified Copies.

What if the applicant was previously married?

- ❑ Information regarding the ending of all previous marriages must be furnished in the application for a marriage license. This includes whether the former spouse or spouses are living, and whether the applicants are divorced and, if so, when, where, and to whom the divorces were granted.

Previously married? Cont...

- ❑ New York State recommends the clerk see documentation of how the last marriage ended.
- ❑ The clerk issuing the marriage license may require a certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage. If by death, the clerk should see Death record.
- ❑ All previous marriages ending in divorce or annulment must be listed.

Surname Options

- Options explained on the back of the marriage license.
- Every person has the right to adopt any name by which he or she wishes to be known simply by using that name consistently and without intent to defraud.
- Neither the use of, nor the failure to use, this option of selecting a new surname by means of this application abrogates the right of each person to adopt a different name through usage at some future date.
- However, the marriage license cannot be changed to record a surname that a person decides to use after the marriage.

Document the documentation?

- Keep a checklist of the documentation seen – not the documents.
- For instance:
 - Current IDs
 - Birth Documents
 - Divorce Papers
- Can be written on the back of your copy.

After the Affidavit is completed, what's next?

- Clerk reviews and verifies marriage application with the couple, the parties sign the application using their current names in the presence of the Town or City Clerk, who then signs, numbers, and dates the Marriage Affidavit section.
- A careful review of the application is crucial before signatures are applied for two reasons-
 - Applicants are attesting all information is true (this is a legal document).
 - The information cannot be corrected for any reason.

License and Certificate of Marriage Section.

NOTE: OFFICIANT MUST RETURN LICENSE TO ISSUING CLERK WITHIN FIVE (5) DAYS OF SOLEMNIZATION.

LICENSE

This license authorizes the marriage in New York State of the parties named above by any person authorized by New York State Domestic Relations Law § 11 to perform marriage ceremonies within New York State. **THIS LICENSE VALID IN NEW YORK STATE ONLY.**

If checked, this license is to be used only for the purpose of a second or subsequent ceremony.

SEAL

24. TOWN OR CITY CLERK
 NAME (PRINT) _____
 SIGNATURE ▶ _____ DATE _____
 MAILING ADDRESS: _____
 STREET _____ CITY/TOWN _____ STATE _____ ZIP _____

25. A. SOLEMNIZATION PERIOD BEGINS
 TIME _____ MONTH _____ DAY _____ YEAR _____
 AM _____ PM _____

25. B. SOLEMNIZATION PERIOD ENDS AT MIDNIGHT ON
 MONTH _____ DAY _____ YEAR _____

I CERTIFY THAT I SOLEMNIZED THE MARRIAGE OF THE PARTIES NAMED ABOVE ON THE DATE AND AT THE TIME AND PLACE INDICATED.

26. SOLEMNIZATION OCCURRED
 TIME _____ MONTH _____ DAY _____ YEAR _____
 AM _____ PM _____

27. TYPE OF CEREMONY
 0 RELIGIOUS 1 CIVIL
 9 OTHER, SPECIFY _____

28. PLACE WHERE MARRIAGE OCCURRED
 A. STATE NEW YORK
 B. COUNTY _____
 C. LOCATION OF CEREMONY (CHECK ONE AND SPECIFY)
 CITY TOWN VILLAGE
 OF (SPECIFY) _____

29. OFFICIANT
 NAME (PRINT) _____ TITLE _____
 SIGNATURE ▶ _____ DATE _____
 MAILING ADDRESS: _____
 STREET _____ CITY/TOWN _____ STATE _____ ZIP _____

30. WITNESS TO CEREMONY
 NAME (PRINT) _____
 SIGNATURE ▶ _____

31. WITNESS TO CEREMONY
 NAME (PRINT) _____
 SIGNATURE ▶ _____

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License and Certificate of Marriage Section.

- ❑ The License section, containing the Solemnization Period (including time begins), is then completed, signed, and sealed by the Clerk.
- ❑ An initial copy of this document is maintained by the Clerk with their marriage records until the original document is returned by the Officiant.
 - A self-addressed envelope is provided with the original marriage document to ensure return from the Officiant.
- ❑ When original is returned, make a copy and replace previous copy. This is the local file copy.

Is there a waiting period?

How long is the license valid?

- Yes. Although the marriage license is issued immediately, the marriage ceremony may not take place within 24 hours from the exact time that the license was issued.
- A marriage license is valid for 60 days beginning the day after the license was issued (usable for 59 days).

How long is the license valid? Cont...

- ❑ Chapter 723 Laws of New York 2005 – Extends the solemnization period from 60 days to 180 days if either applicant is a member of the armed forces of the United States on active duty.
- ❑ Indicate on line 4A and 14A – Usual Occupation followed by “* Active Military”
 - 4A Accountant *Active Military
 - 14A Dentist *Active Military

What is a second or subsequent ceremony?

- The couple is currently married to each other; renewal of vows, married in another state or country. This does not include previously married and currently divorced couples.
- The box indicating a second or subsequent is checked by the clerk.

What is the cost of the Marriage License?

- ❑ Currently the cost of the license is \$30. The clerk can charge up to \$10 for the Certificate of Marriage Registration.
 - Law passed on August 20, 2019 now waives the State Fee (\$22.50) for Active Duty Military purchasing a marriage license.
- ❑ Clerk provides the couple with a properly addressed envelope, assuring the return of the license.
- ❑ Clerk tells couple to expect a Certificate of Marriage Registration within two to three weeks.
- ❑ Certificate of Marriage Registration is issued once.

Where can the Marriage take place?

- ❑ A New York State marriage license can only be used within New York State (including New York City). Do not file the marriage license if the couple was married outside New York State.

How many witnesses are necessary?

Is there a minimum age requirement?

- ❑ At least one witness is required. There is no minimum age for a witness. DOH recommends the witness should be of an age competent to testify in a court proceeding as to what he or she witnessed.

Who can perform a marriage ceremony?

- To be valid, a marriage ceremony must be performed by any of the individuals specified in DRL, Section 11. This includes mayors, marriage officers, clergy, justices and judges. The officiant does not have to be a resident of New York State.
 - Marriage Officers – Marriage officers are appointed by the Town Board, and may only perform marriages within town limits.
- Applicants, who are concerned about the credentials of a civil or religious officiant, should consult an attorney.

Help

For Clerks Only-

Registration Unit - (518) 474-8187

**option 1, then 5*

All General Public calls - (855) 322-1022

Web site: *http://www.health.ny.gov/vital_records/*

Email: *clerks@health.ny.gov*
