

Delaware Marriage Officiant Guide

Marriage Officiants: Any legally-ordained minister of the gospel and every minister in charge of a recognized church may perform marriage ceremonies anywhere in Delaware.

Marriage Officiants are not required to be licensed by the state to perform marriages, but they must report their name and address to the local registrar in the district in which they live or serve. (Generally, the Officiant must include a copy of his or her ministerial credential when returning the marriage license to the issuing office. Please contact the issuing County Clerk's office for instructions specific to your situation.)

The Officiant must, within four days, complete and return the required State Board of Health forms to the Clerk of the Peace. Officiants must also keep the marriage license or a copy on file for at least one year.

MARRIAGE LICENSE INFORMATION

Much of the information below is state law in Delaware; however, this information can vary by location, and is subject to change. We recommend contacting your county clerk's office before applying for your marriage license.

ID Requirement: Valid driver's license or birth certificate, and Social Security number.

Residency Requirement: You do not have to be a resident of Delaware.

Waiting Period: One day; four days if both parties to the marriage are non-residents of Delaware.

If Divorced: If either applicant has been married before, a certified copy of the divorce decree must be presented at the time of applying.

Fees: \$35 (cash only).

Other Tests: No additional medical tests are required.

Under 18: Both applicants must be at least 18 years old to obtain a marriage license. Both applicants must be present to apply. Both applicants must present a valid driver's license or birth certificate when applying.

Same-Gender Marriage: Permitted.

Valid: A Delaware marriage license is valid for thirty days. The license can only be used (solemnized) within the State of Delaware.



*For additional information, please visit
FirstNationMinistry.org/us/delaware*

The above information is believed to be current and correct, but does not purport to be legal advice, is not all-inclusive and shall be used only as a guide. Under the terms specified in your ordination, you are solely responsible for becoming familiar with and complying to all current laws and regulations in effect within the jurisdiction in which you will conduct ceremonies.

Delaware Code

TITLE 13

Domestic Relations

CHAPTER 1. MARRIAGE

Subchapter I. General Provisions (Excerpted)

§ 106 Solemnization of marriages; production of license; penalty; registration of persons authorized to solemnize marriages.

(a) A clergyperson or minister of any religion, current and former Judges of this State's Supreme Court, Superior Court, Family Court, Court of Chancery, Court of Common Pleas, Justice of the Peace Court, federal Judges, federal Magistrates, clerks of the peace of various counties and current and former judges from other jurisdictions with written authorization by the clerk of the peace from the county in Delaware where the ceremony is to be performed may solemnize marriages between persons who may lawfully enter into the matrimonial relation. The Clerk of the Peace in each county for good cause being shown may:

(1) Allow by written permit within that Clerk's respective county, any duly sworn member of another state's judiciary, to solemnize marriages in the State between persons who may lawfully enter into the matrimonial relation.

(2) Allow by written permit within that Clerk's respective county, the Clerk of the Peace from another county within the State to solemnize marriages in the State between persons who may lawfully enter into the matrimonial relation.

Within the limits of any incorporated municipality, the Mayor thereof may solemnize marriages between persons who may lawfully enter into matrimonial relation. Marriages shall be solemnized in the presence of at least 2 reputable witnesses who shall sign the certificate of marriage as prescribed by this chapter. Marriages may also be solemnized or contracted according to the forms and usages of any religious society. No marriage shall be solemnized or contracted without the production of a license issued pursuant to this chapter.

(b) For purposes of this section, the words "resident of this State" shall include the son or daughter of a person who has been domiciled within the State for 1 year or more, notwithstanding the actual place of residence of the son or daughter immediately prior to the date of the marriage.

(c) In the case of absence or disability of the duly elected Clerk of the Peace, the chief deputy or, if there is no chief deputy, a deputy employed in the office of the Clerk of the Peace, shall be authorized to solemnize marriages.

(d) Whoever, not being authorized by this section, solemnizes a marriage, shall be fined \$100, and in default of the payment of such fine shall be imprisoned not more than 30 days, and such marriage shall be void, unless it is in other respects lawful and is consummated with the full belief of either of the parties in its validity.

(e) Other than as provided in this subsection, nothing in this section shall be construed to require any person (including any clergyperson or minister of any religion) authorized to solemnize a marriage to solemnize any marriage, and no such authorized person who fails or refuses for any reason to solemnize a marriage shall be subject to any fine or other penalty for such failure or refusal. Notwithstanding the preceding sentence, a clerk of the peace who issues a marriage license, or a deputy thereof, shall be required to perform a solemnization of such marriage if requested by the applicants for such license.

Code 1852, §§ 1438-1440; 17 Del. Laws, c. 207, § 9; 26 Del. Laws, c. 244, § 6; 27 Del. Laws, c. 261, § 2; Code 1915, §§ 2141, 2993; 32 Del. Laws, c. 182, § 1; Code 1935, §§ 2434, 3486; 13 Del. C. 1953, § 106; 49 Del. Laws, c. 220, § 12; 54 Del. Laws, c. 126, § 1; 57 Del. Laws, c. 129, § 1; 59 Del. Laws, c. 34, § 1; 63 Del. Laws, c. 21, §§ 1, 2; 63 Del. Laws, c. 403, § 1; 70 Del. Laws, c. 30, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 307, §§ 1, 2; 71 Del. Laws, c. 289, § 2; 72 Del. Laws, c. 82, § 1; 75 Del. Laws, c. 113, § 1; 76 Del. Laws, c. 24, § 1; 77 Del. Laws, c. 272, §§ 1-3; 79 Del. Laws, c. 19, § 2.

State of Delaware

ATTENTION: OFFICIATORS

Please follow these guidelines for filling out Marriage Licenses.

- A Delaware marriage license is valid for 30 days, and **THE CEREMONY MUST TAKE PLACE IN DELAWARE.**
- Must have two (2) adult witnesses *at least 18 years of age* at the time of the ceremony.
- Witness Section must include date of birth (not ceremony date). MM/DD/YYYY format please.
- Return State copy to the Marriage Bureau *in the county where the license was issued.*
- Please check license for official dates, the 24-hour waiting period and the 30-day expiration date.

It is important that you follow the guidelines listed below:

- All entries must be legible. PLEASE PRINT CLEARLY.
- Do not leave any spaces blank. Each copy must be filled out individually (PAPER IS NOT CARBONIZED).
- **Officiator's section must include:** exact date and time of ceremony; Wedding location, there is a space available to put the Wedding Location such as: Name of a Hall, Church, Banquet Room, Park, Venue, this is where the wedding actually took place. Officiator's name, the Officiator's street address (Do not use the address of the wedding location in the Officiator's address section), city/town, county and zip code; signature and phone number. Also, the Officiator's title must be completed properly. *Please do not use Mr., Mrs., or Ms. as your title.* **If this is the first wedding you have officiated in Delaware, please include a copy of your credentials.**
- Witness section must include: printed name; street address, city/town and zip code; signature; and date of birth not the date of the wedding (please verify that this is correct).
- Do not separate at perforation.
- **Keep Officiator's copy.** Give Couple's copy to the couple immediately after the ceremony. **Send State's copy to the Marriage Bureau within 15 days** in accordance with Title 13, Chapter 1, or a \$50.00 late fee will apply.
- Witnesses must be at least 18 years of age at the time of the ceremony. *Please verify their birthdate.*
- **Incomplete, illegible or inaccurate licenses sent to this office will be returned to the Officiator** for completion/correction. *Ceremonies will not be officially recorded until the proper documentation is returned.*