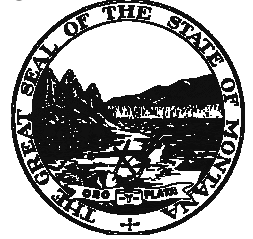


Montana Marriage Officiant Guide

Marriage Officials: Legally ordained ministers of any denomination may perform marriage ceremonies anywhere in Montana. **The Officiant must complete and return a marriage certificate to the clerk of the district court within 30 days after the marriage.** Also, the Officiant must provide marriage certificates to the bridal couple upon their request.

Solemnization Authority: Within the 30-day period after the marriage license is issued, the marriage must be solemnized by one of the following:

- A clergyman or clergywoman, active or retired, who is in good standing with any church or synagogue in Montana;
- A Circuit Court or Associate Circuit Court judge (who are prohibited by a Montana constitutional provision from receiving any compensation for the service);
- A religious society, institution or organization in Montana of which either marriage party is a member, in accordance with the organization's regulations and customs.



Within 90 days after the marriage ceremony, the person solemnizing the marriage must complete the marriage certificate issued with the marriage license and return it to the office of the issuing Recorder. Lack of witnesses does not render a marriage invalid; however, two witnesses can submit an affidavit that the marriage ceremony took place if the certificate is lost or destroyed and the person who solemnized the marriage is unavailable.

MARRIAGE LICENSE INFORMATION

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

Application Requirement: Marriage license applications can be obtained from the Clerk of the District Court in any Montana county. Complete applications cannot be filed by mail; both parties must be present in front of the Clerk. If both parties are non-residents of Montana, obtain the license application from the Clerk in the county in which the ceremony will be performed. If one party is a non-resident, his/her part can be sworn to or affirmed in the county and state in which he/she resides.

ID Requirement: Picture ID, such as driver's license, plus certified copy of birth certificate.

Residency Requirement: The bridal couple is not required to live in Montana.

If Divorced: A certified copy of the divorce decree is required.

Waiting Period: No waiting period unless under the age of 18.

Fees: \$53. Most counties only accept cash, money order, cashier's check, Visa, MasterCard or Discover. If paying by credit or debit card, an additional 3% processing fee may be added to your transaction. Personal checks not accepted.

Blood Tests: Females are required to take a blood test for rubella.

Under 18: If you are 16 or 17 years old, you must have the consent of both parents, unless only one parent has legal custody. Proof of age must be in the form of a certified copy of your birth certificate. Both of you, as a couple, will also have to attend at least two counseling sessions that are at least ten days apart. This must be completed with a designated counselor who will then have to provide a letter that states the names of the couple, their ages, the dates of the counseling sessions, and the counselor's opinion regarding their possible marriage. Subsequently, judicial consent signed by a district court judge must be given for the Clerk of Court's office to issue a marriage license. *No one 15 years of age or younger may marry in Montana.*

Proxy Marriages: Permitted. Contact your county clerk's office for detailed information.

Same-Gender Marriage: Permitted.

Valid: **A Montana marriage license is valid for 180 days. Montana marriage licenses expire after six months if not solemnized. If your marriage license expires before you wed, you must reapply for another license.** While the record that a marriage occurred is public in Montana, the personal information about the bridal couple contained in the marriage license application is confidential and generally available only to immediate family members. A Montana marriage license can only be used (solemnized) within the State of Montana.

For additional information, please visit FirstNationMinistry.org/us/montana

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.

Montana Code Annotated

Title 40 – Family Law

§40-1-301. Solemnization and registration.

(1) A marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of marriages, by a mayor, city judge, or justice of the peace, by a tribal judge, or in accordance with any mode of solemnization recognized by any religious denomination, Indian nation or tribe, or native group. Either the person solemnizing the marriage or, if no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the clerk of the district court.

(2) If a party to a marriage is unable to be present at the solemnization, the party may authorize in writing a third person to act as proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, the person may solemnize the marriage by proxy. If the person solemnizing the marriage is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy.

(3) The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it if either party to the marriage believed that person to be qualified.

(4) One party to a proxy marriage must be a member of the armed forces of the United States on federal active duty or a resident of Montana at the time of application for a license and certificate pursuant to 40-1-202. One party or a legal representative shall appear before the clerk of court and pay the marriage license fee. For the purposes of this subsection, residency must be determined in accordance with 1-1-215.

History: En. 48-309 by Sec. 9, Ch. 536, L. 1975; amd. Sec. 9, Ch. 33, L. 1977; R.C.M. 1947, 48-309(1), (2), (4); amd. Sec. 1, Ch. 247, L. 1979; amd. Sec. 3, Ch. 348, L. 1985; amd. Sec. 2, Ch. 235, L. 2007.