New York State Marriage Officiant Guide

Marriage Officiants: Marriages may be performed by a clergyman or minister of any religion in good standing. However, a 1972 court case said that in order for a marriage to be valid, the minister must have an actual church or at least a stated meeting place for worship or any form of religious observance. Ministers do not have to be licensed by the State of New York except that before performing marriages in any of the boroughs of New York City, the minister must register his or her name and address and credentials with the city's Marriage Bureau in Manhattan. The Officiant must complete a marriage certificate and return it to the town or city clerk who issued the marriage license within five days after the marriage.

Penalty for Clergyman or Officer Violating Article: If any clergyman or other person authorized by the laws of New York State to perform marriage ceremonies shall solemnize or presume to solemnize any marriage between any parties without a license being presented to him/her as herein provided, or with knowledge that either party is legally incompetent to contract matrimony as is provided for in this article, he/she shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not less than fifty dollars nor more than five-hundred dollars or by imprisonment for a term not exceeding one year. (Article 3, Section 17 DRL, NYS)

To be valid, a marriage ceremony must be performed by any of the individuals specified in Section 11 of the New York State Domestic Relations Law. These include:

- the mayor of a city or village;
- the city clerk or one of the deputy city clerks of a city of more than one-million inhabitants;
- a marriage officer appointed by the town or village board or the city common council;
- a justice or judge of the following courts: the U.S. Court of Appeals for the Second Circuit, the U.S. District Courts for the Northern, Southern, Eastern or Western Districts of New York, the N.Y.S. Court of Appeals, the Appellate Division of the N.Y.S. Supreme Court, the N.Y.S. Supreme Court, the Court of Claims, the Family Court, a Surrogates Court, the Civil and Criminal Courts of New York City (including Housing Judges of the Civil Court) and other courts of record; a village, town or county justice;
- a member of the clergy or minister who has been officially ordained and granted authority to perform marriage ceremonies from a governing church body in accordance with the rules and regulations of the church body;
- a member of the clergy or minister who is not authorized by a governing church body but who has been chosen by a spiritual group to preside over their spiritual affairs; or
- other officiants, as specified by Section 11 of the Domestic Relations Law.

The person performing the ceremony must be registered *in advance* with the City of New York's Marriage Bureau in order to perform a ceremony within the New York City boroughs of Manhattan, Queens, Bronx, Brooklyn and Staten Island.

The officiant does not have to be a resident of New York State. Ship captains are not authorized to perform marriage ceremonies in New York State unless ordained.

Form of Ceremony: There is no particular form or ceremony required except that the parties must state in the presence of an authorized public official or authorized member of the clergy and *at least one other witness* that each takes the other as his or her spouse. Generally, the couple will designate the best man and maid of honors as their witnesses. There is no minimum age for a witness; however, in selecting a witness, choose at least one person who you feel would be competent to testify in a court proceeding as to what he or she witnessed.

MARRIAGE LICENSE INFORMATION

Much of the information below is state law throughout New York; however, this information can vary by location, and is subject to change. We recommend contacting your town or city clerk's office before applying for your marriage license.

ID Requirement: Any of the following documents will be accepted for the issuance of a marriage license:

- · Valid driver's license
- · Valid passport
- A certified copy of a birth certificate
- · A school record
- A naturalization record or court record
- · A baptismal record
- A life insurance policy
- An employment certificate
- · An immigration record

Application Requirement: 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 application for a license must be signed by both parties to the marriage in the presence of the town or city clerk. A representative cannot apply for the license on behalf of the bridal couple. This applies even if the representative has been given the Power of Attorney. *Notarized marriage license affidavits signed by the parties to the marriage cannot be substituted for their personal appearance.*

If Divorced: Information regarding 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 against whom the divorce or divorces were granted. A certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage may be required by the clerk issuing the marriage license.

Fees: If the marriage license is issued by a town or city clerk in New York State outside of New York City, it costs \$40. If it is issued by the City Clerk of the City of New York, it costs \$35. The fee in either case includes the issuance of a Certificate of Marriage Registration. This certificate is automatically sent by the issuing clerk to the applicants within 15 days after the completed license is returned by the officiant (person who performs the marriage ceremony). It serves as notice that a record of the marriage is on file. Couples who do not receive a Certificate of Marriage Registration within four weeks of the wedding should contact the town or city clerk who issued the license.

Waiting Period: 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. When both applicants are 16 years of age or older, the 24-hour waiting period may be waived by an order of a justice of the Supreme Court or a judge of the County Court of the county in which either party to the marriage resides. If either person is under 16 years of age, the order must be from the Family Court judge of the county in which the person under 16 years of age resides.

Under Age 18: If either applicant is under 14 years of age, a marriage license cannot be issued. If either applicant is 14 or 15 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.

If either applicant is 16 or 17 years of age, such applicant(s) must present the written consent of both parents. If both applicants are 18 years of age or older, no consents are required.

One parent alone may consent to a minor's marriage if: The other parent has been missing for one year preceding the application; the parents are divorced and the consenting parent was given sole custody of the child when the divorce decree was awarded; the other parent has been judged incompetent; or the other parent is deceased. Parents, guardians or other people consenting to the marriage of a minor must personally appear and acknowledge or execute their consent before the town or city clerk or some other authorized official. If the notarized affidavit is made before an official outside of the State of New York, it must be accompanied by a certificate of authentication when the consent is filed in New York State.

Residency Requirement: Non-residents cannot obtain a marriage license if said marriage would be void in their state.

Familial Restrictions: A marriage may not take place in New York State between an ancestor and descendant, a brother and sister (full or half blood), an uncle and niece or an aunt and nephew, regardless of whether or not these persons are legitimate or illegitimate offspring.

Blood Tests: No premarital examination or blood test is required to obtain a marriage license in New York State.

Surname Options: 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. A person's last name (surname) does not automatically change upon marriage, and neither party to the marriage is required to change his or her last name, nor are they required to take the same last name.

One or both parties to a marriage may elect to change the surname by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new name must consist of one of the following options: the surname of the other spouse; any former surname of either spouse; a name combining into a single surname all or a segment of the premarriage surname or any former surname of each spouse; a combination name separated by a hyphen, provided that each part of such combination surname is the pre-marriage surname, or any former surname, of each of the spouses.

The use of this option will provide a record of your change of name. The marriage certificate, containing the new name, if any, is proof that the use of the new name, or the retention of the former name, is lawful. The local Social Security Administration office should be contacted so that its records and your social security identification card reflect the name change. This way, you will get credit for all your earnings. There is no charge for this service.

Whether you decide to use or not use this option at the time of your marriage license application, you still have the right to adopt a different name through usage at some future date. However, your marriage license cannot be changed to record a surname you decide to use after your marriage.

Second Ceremony: Occasionally, some couples have a civil ceremony performed at the clerk's office or court while preparing or waiting for a religious ceremony. The Officiant of the second religious ceremony may require that a license be presented before performing the ceremony. In that case, a couple already legally married may apply for a second or subsequent license. As is the case with the first ceremony, the issuing town or city will issue a second Certificate of Marriage Registration.

Components of a License: There are three parts to the marriage license:

I. An Affidavit: The Affidavit portion is a written declaration made under oath before a town or city clerk attesting to the truth of the information provided. It reads, "I, being duly sworn, 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." Providing false information, such as not reporting a previous marriage not been legally dissolved

through either divorce or annulment, is one such example. Not only is this an act of perjury (intentional lying under oath) but the subsequent ceremony would make the offender guilty of bigamy as well.

- **2.** *The License:* The License portion authorizes the marriage ceremony to take place by any person authorized to do so in accordance with Section 11 of New York Domestic Relations Law. This person is generically referred to as the Officiant. As previously mentioned, this may be issued for a second or subsequent ceremony, usually religious.
- 3. The Certificate of Marriage: The Certificate portion is filled in by the Officiant. It states, "I certify that I solemnized the marriage of the persons named above on the date and at the time and place indicated." (Exception: this document is different within the five boroughs of New York City.)

The Officiant of a marriage ceremony is required by law to return the completed Affidavit, License and Certificate of Marriage within five days succeeding the date of the ceremony. Failure to do so may result in a penalty of not less than \$25 or more than \$50 for each and every offense.

Valid: A New York State marriage license is valid for 60 days, and may be used within New York State only. Please note that if you go out of New York State to be married, your New York State marriage license *cannot* be filed in New York State.

NEW YORK CITY ONLY

For marriage licenses issued in New York City, do not apply to the New York State Department of Health. You must apply to the borough office of the City Clerk of New York in the borough where the license was issued. The fee is \$15 per copy.

Contact the City Clerk of New York:

Borough of Manhattan:

Municipal Building, New York, New York 10007

Borough of the Bronx:

780 Grand Concourse, New York, New York 10457

Borough of Brooklyn:

Municipal Building, Brooklyn, New York 11202

Borough of Queens:

20-55 Queens Boulevard, Kew Gardens, Jamaica, New York 11424

Borough of Staten Island:

Borough Hall, St. George, Staten Island, New York 10301

For additional information, please visit firstnationministry.org/us/new-york

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.

STATE OF NEW YORK DEPARTMENT OF HEALTH STATE FILE NUMBER (THIS SPACE FOR STATE USE ONLY)

COUNTY _ CITY/TOWN

AFFIDAVIT, LICENSE and CERTIFICATE OF

| REG NUM | SISTER CERTIFICATE O MARRIAGE | |
|--|--|---|
| / | BRIDE/GROOM/SPOUSE | SUPPLEMENTAL FILE |
| | 1. A. FULL NAME | 11 A FULL NAME |
| di2 | FIRST MIDDLE CURRENT SURNAME B. BIRTH NAME, IF DIFFERENT | FIRST MIDDLE CURRENT SURNAME B. BIRTH NAME, IF DIFFERENT |
| | C. SURNAME AFTER MARRIAGE | C. SURNAME AFTER MARRIAGE |
| | (OPTIONAL - SEE REVERSÉ) D. SOCIAL SECURITY NUMBER | (OPTIONAL - SEE REVERSE) D. SOCIAL SECURITY NUMBER |
| | 2. RESIDENCE AB(COUNTY) | 12. RESIDENCE A B (COUNTY) |
| ш | C. CHECK ONE CITY TOWN VILLAGE (COUNTY) AND SPECIFY | C. CHECK ONE CITY TOWN VILLAGE (COUNTY) SPECIFY |
| STATE | D. STREET ADDRESSZIP | D. STREET ADDRESSZIP |
| | E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES NO | E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES NO |
| | 3. A. AGE B. DATE OF BIRTH C. SEX (OPTIONAL) | 13. A. AGE B. DATE OF BIRTH C. SEX (OPTIONAL) |
| | 4. EMPLOYMENT A. USUAL OCCUPATION | 14. EMPLOYMENT A. USUAL OCCUPATION |
| | B. TYPE OF INDUSTRY OR BUSINESS | B. TYPE OF INDUSTRY OR BUSINESS |
| | 5. PLACE OF BIRTH | 15. PLACE OF BIRTH |
| ш | (CITY, STATE / COUNTRY, IF NOT USA) 6. FATHER OR PARENT | (CITY, STATE / COUNTRY, IF NOT USA) 16. FATHER OR PARENT |
| /ILLAGE | A. NAME (OR MAIDEN NAME, IF APPLICABLE) | A. NAME (OR MAIDEN NAME, IF APPLICABLE) |
| | B. COUNTRY OF BIRTH | B. COUNTRY OF BIRTH |
| FFIDAVIT | 7. MOTHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) | 17. MOTHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) |
| 티 | B. COUNTRY OF BIRTH | B. COUNTRY OF BIRTH |
| ₹ | | 18. NUMBER OF THIS MARRIAGE |
| | PREVIOUS MARRIAGES A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY | PREVIOUS MARRIAGES A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY |
| | DIVORCE: CIVIL ANNULMENT: DEATH: | DIVORCE: CIVIL ANNULMENT: DEATH: |
| | B. HOW DID LAST MARRIAGE END? DIVORCE (3) ANNULMENT (3) DEATH (2) C. DATE LAST MARRIAGE ENDED? | B. HOW DID LAST MARRIAGE END? DIVORCE (3) ANNULMENT (3) DEATH (2) C. DATE LAST MARRIAGE ENDED? |
| | D. ARE ANY FORMER SPOUSE(S) ALIVE? MM/DD/YYYY YES NO | D. ARE ANY FORMER SPOUSE(S) ALIVE? WMWDD/YYYY YES NO |
| | 10. IF PREVIOUSLY DIVORCED OR ANNULLED, PROVIDE THE FOLLOWING INFORMATION | 20. 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 | 1ST |
| NUMBER | 2ND | 2ND |
| D NC | 3RD | 3RD |
| STREET AND | 4TH | f that the information I provided is true and that I declare that no legal impediment |
| STRE | exists as to my right to enter into the marriage state. | |
| | USE CURRENT NAME | 22. SIGNATURE ▶USE CURRENT NAME |
| , / | 23. SUBSCRIBED AND SWORN TO/AFFIRMED BEFORE ME SIGNATURE OF TOWN OR CITY CLERK > | DATE |
| | Domestic Relations Law § 11 to perform marriage ceremonies within N | arties named above by any person authorized by New York State lew York State. THIS LICENSE VALID IN NEW YORK STATE ONLY. |
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| MNIZ | 29. OFFICIANT | OFFICIANT C. LOCATION OF CEREMONY (CHECK ONE AND SPECIFY) |
| SOLE | NAME (PRINT) SIGNATURE ▶ DATE | CITY TOWN VILLAGE |
| ا ا ا | SIGNATURE MAILING ADDRESS: YOUR ADDRESS YOUR CITY | STATE ZIP |
| FIVE (5) DAYS OF SOLEMNIZATION. CERTIFICATE | STREET CITY/TOWN | STATE ZIP OF (SPECIFY) NAME OF LOCALITY |
| (S) | 30. WITNESS TO CEREMONY | 31. WITNESS TO CEREMONY |
| FIX | NAME (PRINT) | NAME (PRINT) |
| | SIGNATURE ▶ | SIGNATURE • |
| \ | DOH-98 (7/2011) | |

Note: The following is general information.

Please contact the clerk where you plan to purchase the license for specific requirements, office hours and further information.

Where do you get a 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 application for a license must be signed by both applicants in the presence of the town or city clerk. A representative cannot apply for the license on behalf of the applicant. This applies even if the representative has been given a Power of Attorney.

Notarized marriage license affidavits signed by the applicants cannot be substituted for their personal appearance.

Is there a waiting period?



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.

The 24-hour waiting period may be waived by a judge or justice of the Supreme Court of New York State or the county judge of the county in which either party to be married resides.

How long is the license valid?



A marriage license is valid for 60 calendar days, beginning the day after it is issued. If a party to the marriage is active U.S. military, the solemnization period may be extended to 180 calendar days. The applicant must provide proof to the issuing clerk at the time of application.

How much does the license cost?



If the marriage license is issued by a town or city clerk in New York State outside of New York City, it costs \$40. This fee includes the issuance of a Certificate of Marriage Registration. This certificate is automatically sent by the issuing clerk to the applicants within 15 calendar days after the completed license is returned by the officiant (person who performs the marriage ceremony). It serves as notice that a record of the marriage is on file. Couples who do not receive a Certificate of Marriage Registration within four weeks of the wedding should contact the town or city clerk who issued the license.

If the license is to be issued by the City Clerk of the City of New York, please contact the New York City Clerk's Office for current fees and requirements. The City Clerk's Office can be reached at (212) NEW-YORK or via its website at www.cityclerk.nyc.gov.

Is a premarital physical exam required?



No premarital examination or blood test is required to obtain a marriage license in New York State.

Who can get married?





Age Requirements

Marriages of minors under eighteen years of age is prohibited. If either applicant is under 18 years of age, a marriage license cannot be issued.

Proof of Age and Identity

Both parties are required to present to the clerk documentary proof of age. Possible documents include those listed here. Contact the clerk's office where you plan to purchase your license to find out what they require.

- an original or certified copy of a birth record,
- a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country,
- · a baptismal record,
- · a passport,
- · an automobile driver's license,
- any government or school issued identification card that contains a photograph of the applicant,
- · a life insurance policy,
- · an employment certificate,
- · a school record.
- · an immigration record,
- · a naturalization record.
- a court record or any other document or record issued by a governmental entity, showing the date of birth of such parties

Familial Restrictions

A marriage may not take place in New York State between an ancestor and descendant, siblings (full or half blood), an uncle and niece or nephew or an aunt and niece or nephew, regardless of whether or not these persons are legitimate or illegitimate offspring.

Previous Marriages

Information regarding 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 against whom the divorce or divorces were granted. A certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage may be required by the clerk issuing the marriage license.

Name Change Options

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. A person's last name (surname) does not automatically change upon marriage, and neither party to the marriage is required to change his or her last name. Parties to a marriage need not take the same last name.

One or both parties to a marriage may elect to change the surname by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new name must consist of one of the following options:

- the surname of the other spouse:
- · any former surname of either spouse;
- a name combining into a single surname all or a segment of the premarriage surname or any former surname of each spouse;
- a combination name separated by a hyphen or a space, provided that each part of such combination surname is the premarriage surname, or any former surname, of each of the spouses.

One or both parties to a marriage may elect to change the middle name by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new middle name must consist of one of the following options:

- the current surname of the spouse electing to change his or her name;
- any former surname of the spouse electing to change his or her name;
- · the surname of the other spouse.

The use of this option will provide a record of your change of name. The marriage certificate, containing the new name, if any, is proof that the use of the new name, or the retention of the former name, is lawful. The local Social Security Administration office should be contacted so that its records and your Social Security identification card reflect the name change.

There is no charge for this service.

To change the name on your NYS driver license or non-driver identification, contact the

New York State Department of Motor Vehicles for information or visit https://dmv.ny.gov/

Whether you decide to use or not use this option at the time of your marriage license application, you still have the right to adopt a different name through usage at some future date. However, your marriage license cannot be changed to record a surname you decide to use after your marriage.

If you plan to use your married name at work, be sure to have your name changed in Social Security records. This way, you will get credit for all your earnings. It's easy and it's absolutely free. Contact any Social Security office. You can find the address and phone number of your local Social Security Office at http://www.ssa.gov. You will need documentary evidence showing both your old name and your new name.

Where can a marriage take place?

A New York State marriage license may be used within New York State only. Please note that if you go out of New York State to be married, your New York State marriage license will not be filed in New York State.

What about the ceremony?

There is no particular form or ceremony required except that the parties must state in the presence of an authorized public official or authorized member of the clergy and at least one other witness that each takes the other as his or her spouse.

There is no minimum age for a witness. However, in selecting a witness, choose at least one person who you feel would be 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 Section 11 of the New York State Domestic Relations Law, These include:

- · the current or a former governor;
- · the mayor of a city or village;
- the former mayor, the city clerk or one of the deputy city clerks of a city of more than one million inhabitants:
- a marriage officer appointed by the town or village board or the city common council;
- a member of the New York state legislature;
- a justice or judge of the following courts: the
 U.S. Court of Appeals for the Second Circuit, the
 U.S. District Courts for the Northern, Southern,
 Eastern or Western Districts of New York, the
 New York State Court of Appeals, the Appellate
 Division of the New York State Supreme Court,
 the New York State Supreme Court, the New York State Supreme Court, the Court
 of Claims, the Family Court, a Surrogates Court,
 the Civil and Criminal Courts of New York City
 (including Housing judges of the Civil Court) and
 other courts of record:
- · a village, town or county justice;
- a member of the clergy or minister who has been officially ordained and granted authority to perform marriage ceremonies from a governing church body in accordance with the rules and regulations of the church body;
- a member of the clergy or minister who is not authorized by a governing church body but who has been chosen by a spiritual group to preside over their spiritual affairs;
- other officiants as specified by Section 11 of the Domestic Relations Law.

The person performing the ceremony must be registered with the City of New York in order to perform a ceremony within the New York City limits. The officiant does not have to be a resident of New York State.

Ship captains are not authorized to perform marriage ceremonies in New York State.

Where do you get copies of records?



For copies of marriage licenses issued anywhere in New York State except New York City, a certified copy of the marriage record may be obtained from the office of the town or city clerk who issued the license, or from the New York State Department of Health. The fee is \$10 if you obtain a certified copy from the town or city clerk who issued the license. If applying to the New York State Department of Health, the fee is \$30. For a certified copy, write to:

New York State Department of Health Bureau of Vital Records Certification Unit P.O. Box 2602 Albany, New York 12220-2602

For marriage licenses issued in New York City, do not apply to the New York State Department of Health. You must apply to the Office of the City Clerk of New York. For an application and current fees, contact the Clerk's Office at (212) NEW-YORK or go to www.cityclerk.nyc.gov.

MANHATTAN:

141 Worth Street New York, New York 10013

BRONX:

851 Grand Concourse, Room B131 New York, New York 10451

BROOKLYN:

210 Joralemon Street, 2nd Floor, Room 205 Brooklyn, New York 11201

QUEENS:

120-55 Queens Boulevard, Room G100 Kew Gardens, New York 11424

STATEN ISLAND:

10 Richmond Terrace, 3rd Floor, Room 311 Staten Island, New York 10301







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