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 both by the bride and groom in the presence of the town or city clerk. A representative cannot apply for the license on behalf of the bride or groom. This applies even if the representative has been given the Power of Attorney.

Notarized marriage license affidavits signed by the bride or groom 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.

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 the bride or groom 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.

How long is the license valid?

A marriage license is valid for 60 days, beginning the day after it is issued.

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 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 office of the City Clerk of the City of New York for current fees. The City Clerk's Office can be reached at (212) 669-2400 or via their website at www.nycmarriagebureau.com.

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

- 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.

Proof of Age and Identity

A person is required to establish proof of age and identity by submitting to the issuing clerk:

One of the following age-related documents:

1. Birth Certificate
2. Baptismal record
3. Naturalization record
4. Census record

and

One of the following identity-related documents:

1. Driver's license
2. Passport
3. Employment picture ID
4. Immigration record

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.

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.

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. The bride and groom 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, provided that each part of such combination surname is the premarriage 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. 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.

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. Look in the telephone book for the address and phone number. 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 member of the clergy or public official and at least one other witness that they take each other as husband and wife.

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 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 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 NYS Court of Appeals, the Appellate Division of the NYS Supreme Court, the NYS 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.