

Getting Married in NY State

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 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, or if such party is at least seventeen years of age, the judge of the Family Court of such county.

How long is the license valid?

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

How much does the license cost?

For a marriage license issued by the Austerlitz Town Clerk, the cost is \$40. This fee includes the issuance of a Certificate of Marriage Registration. This certificate is automatically sent by the town 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 clerk who issued the license.

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 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.
- 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 provide proof of age by submitting to the issuing clerk an age-related document showing the date of birth. The Town of Austerlitz Clerk requires a

1. Birth Certificate

A person must establish identity. 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, 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 is

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. 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, 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.

To change the name on your NYS driver license or non-driver identification, contact the [Department of Motor Vehicles](#) for information.

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 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 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.

Responsibilities of the Officiant performing the Ceremony

The New York State Department of Health (NYSDOH), nor the Town Clerk, have the authority to advise you whether or not an individual or organization qualifies to perform a marriage in New

York State. This is a requirement of Article 3, Section 11 of New York State Domestic Relations Law and not under the jurisdiction of the Department of Health or the Town Clerk. If you have questions, you may wish to consult an attorney familiar with New York State Domestic Relations Law and marriage case law.

After the religious service or ceremony, it is time for official recordkeeping. It is the officiant's responsibility to ensure that the officiant and witness portions of the license are properly completed and accurate. It is the couple's responsibility to present their marriage license to the officiant and the witnesses. The officiant's job is to look over the license, confirm that the information is accurate, and complete the officiant's section. Once completed, the officiant must return the original license to the Town Clerk where the license was purchased (usually by mail). In New York, completed marriage licenses must be returned within five days of the ceremony. Once the Town Clerk takes delivery of an accurate and finalized marriage license, a certified copy of the marriage license is delivered to the married couple and a copy is sent to the NYSDOH.

[You can now request copies of your marriage license online - Click here to apply](#)

Marriage Certificates Certification Copies

Where do I obtain a marriage certificate copy for someone who obtained the marriage license in New York City?

The New York State Department of Health does not file and cannot issue copies of marriage certificates for persons who obtained the marriage license in New York City. For marriage licenses issued in one of the five (5) boroughs of New York City (Manhattan, Kings, Queens, the Bronx, and Staten Island), please visit the [New York City Marriage Bureau](#) web page. Please note that the borough of Kings is also referred to as Brooklyn and the borough of Staten Island is also referred to as Richmond.

Where do I obtain a marriage certificate copy for a person who obtained the marriage license in New York State outside of New York City?

- For genealogy or family history copies, please see the [Genealogy](#) section.
- For those who purchased a marriage license in New York State outside the Town of Austerlitz, please see the **NYS Health Department website**.
- [For those who purchased a marriage license in the Town of Austerlitz, please continue.](#)

Who is eligible to obtain a marriage certificate copy?

- The spouses
- Other persons who have a:
 - documented judicial or other proper purpose

- New York State Court Order

What is a judicial or other proper purpose?

If the applicant is not a spouse, a judicial or other proper purpose must be documented. An example of a judicial or other proper purpose would be a marriage record needed by the applicant to claim a benefit. Documentation would consist of an official letter from the agency verifying that to process the claim they require from the applicant a copy of the requested marriage record.

What is the fee to search for a marriage certificate copy?

- The fee is \$10.00 per search.
- Certification of the first marriage copy will be included in the search fee. An additional charge of \$10.00 will be charged for **each** additional certified copy.

Identification Requirements - application *must* be submitted with the following:

One (1) of the following forms of valid photo-ID:

- Driver license
- State issued non-driver photo-ID card
- Passport
- U.S. Military issued photo-ID

Important Notes:

- Failure to include necessary identification will result in rejection of your application.
- Copy of Passport required in addition to the above ID if request is made from a foreign country that requires a U.S. Passport for travel.

Application for Copy of Marriage Certificate.pdf 91.44 KB

Supporting Documents

Marriage License Application.pdf 205.15 KB