

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 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 unless ordained.

Second Ceremony: Occasionally, some couples have a civil ceremony performed 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.

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 pre-marriage 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.

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

- *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.
- *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.
- *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.

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 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
AFFIDAVIT, LICENSE and
CERTIFICATE OF
MARRIAGE

STATE FILE NUMBER
 (THIS SPACE FOR STATE USE ONLY)

SAMPLE

COUNTY _____
 CITY/TOWN _____
 DISTRICT NUMBER _____
 REGISTER NUMBER _____

SUPPLEMENTAL FILE

SPECIFY ADDRESS WHERE CERTIFICATE OF MARRIAGE REGISTRATION SHOULD BE SENT

BRIDE/GROOM/SPOUSE	BRIDE/GROOM/SPOUSE
1. A. FULL NAME FIRST MIDDLE CURRENT SURNAME	11. A. FULL NAME FIRST MIDDLE CURRENT SURNAME
B. BIRTH NAME, IF DIFFERENT	B. BIRTH NAME, IF DIFFERENT
C. SURNAME AFTER MARRIAGE (OPTIONAL - SEE REVERSE)	C. SURNAME AFTER MARRIAGE (OPTIONAL - SEE REVERSE)
D. SOCIAL SECURITY NUMBER	D. SOCIAL SECURITY NUMBER
2. RESIDENCE A. _____ B. _____ (STATE) (COUNTY)	12. RESIDENCE A. _____ B. _____ (STATE) (COUNTY)
C. CHECK ONE CITY <input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input type="checkbox"/> AND SPECIFY _____	C. CHECK ONE CITY <input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input type="checkbox"/> AND SPECIFY _____
D. STREET ADDRESS _____ ZIP _____	D. STREET ADDRESS _____ ZIP _____
E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>	E. IS RESIDENCE WITHIN LIMITS OF CITY OR INCORPORATED VILLAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>
3. A. AGE _____ B. DATE OF BIRTH _____ C. SEX (OPTIONAL) _____ MM/DD/YYYY	13. A. AGE _____ B. DATE OF BIRTH _____ C. SEX (OPTIONAL) _____ MM/DD/YYYY
4. EMPLOYMENT A. USUAL OCCUPATION _____ B. TYPE OF INDUSTRY OR BUSINESS _____	14. EMPLOYMENT A. USUAL OCCUPATION _____ B. TYPE OF INDUSTRY OR BUSINESS _____
5. PLACE OF BIRTH _____ (CITY, STATE / COUNTRY, IF NOT USA)	15. PLACE OF BIRTH _____ (CITY, STATE / COUNTRY, IF NOT USA)
6. FATHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____ B. COUNTRY OF BIRTH _____	16. FATHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____ B. COUNTRY OF BIRTH _____
7. MOTHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____ B. COUNTRY OF BIRTH _____	17. MOTHER OR PARENT A. NAME (OR MAIDEN NAME, IF APPLICABLE) _____ B. COUNTRY OF BIRTH _____
8. NUMBER OF THIS MARRIAGE _____	18. NUMBER OF THIS MARRIAGE _____
9. PREVIOUS MARRIAGES A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY DIVORCE: _____ CIVIL ANNULMENT: _____ DEATH: _____	19. PREVIOUS MARRIAGES A. NUMBER OF PREVIOUS MARRIAGES WHICH ENDED BY DIVORCE: _____ CIVIL ANNULMENT: _____ DEATH: _____
B. HOW DID LAST MARRIAGE END? DIVORCE <input type="checkbox"/> ⁽³⁾ ANNULMENT <input type="checkbox"/> ⁽³⁾ DEATH <input type="checkbox"/> ⁽²⁾	B. HOW DID LAST MARRIAGE END? DIVORCE <input type="checkbox"/> ⁽³⁾ ANNULMENT <input type="checkbox"/> ⁽³⁾ DEATH <input type="checkbox"/> ⁽²⁾
C. DATE LAST MARRIAGE ENDED? _____ MM/DD/YYYY	C. DATE LAST MARRIAGE ENDED? _____ MM/DD/YYYY
D. ARE ANY FORMER SPOUSE(S) ALIVE? YES <input type="checkbox"/> NO <input type="checkbox"/>	D. ARE ANY FORMER SPOUSE(S) ALIVE? YES <input type="checkbox"/> NO <input type="checkbox"/>
10. IF PREVIOUSLY DIVORCED OR ANNULLED, PROVIDE THE FOLLOWING INFORMATION DATE OF DECREE _____ PLACE ISSUED _____ AGAINST WHOM (MONTH, DAY, YEAR) (CITY/COUNTY, STATE/COUNTRY, IF NOT USA) SELF SPOUSE	20. IF PREVIOUSLY DIVORCED OR ANNULLED, PROVIDE THE FOLLOWING INFORMATION DATE OF DECREE _____ PLACE ISSUED _____ AGAINST WHOM (MONTH, DAY, YEAR) (CITY/COUNTY, STATE/COUNTRY, IF NOT USA) SELF SPOUSE
1ST _____ <input type="checkbox"/> <input type="checkbox"/>	1ST _____ <input type="checkbox"/> <input type="checkbox"/>
2ND _____ <input type="checkbox"/> <input type="checkbox"/>	2ND _____ <input type="checkbox"/> <input type="checkbox"/>
3RD _____ <input type="checkbox"/> <input type="checkbox"/>	3RD _____ <input type="checkbox"/> <input type="checkbox"/>
4TH _____ <input type="checkbox"/> <input type="checkbox"/>	4TH _____ <input type="checkbox"/> <input type="checkbox"/>

ZIP STATE CITY / TOWN / VILLAGE STREET AND NUMBER

I duly swear/affirm, 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.

21. SIGNATURE _____ 22. SIGNATURE _____
 USE CURRENT NAME USE CURRENT NAME

23. SUBSCRIBED AND SWORN TO/AFFIRMED BEFORE ME
 SIGNATURE OF TOWN OR CITY CLERK _____ DATE _____

This license authorizes the marriage in New York State of the parties named above by any person authorized by New York State Domestic Relations Law § 11 to perform marriage ceremonies within New York State. THIS LICENSE VALID IN NEW YORK STATE ONLY.

If checked, this license is to be used only for the purpose of a second or subsequent ceremony.

SEAL	24. TOWN OR CITY CLERK NAME (PRINT) _____ SIGNATURE _____ DATE _____ MAILING ADDRESS: _____ STREET _____ CITY/TOWN _____ STATE _____ ZIP _____	25. A. SOLEMNIZATION PERIOD BEGINS TIME MONTH DAY YEAR AM _____ PM _____	25. B. SOLEMNIZATION PERIOD ENDS AT MIDNIGHT ON: MONTH DAY YEAR
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I CERTIFY THAT I SOLEMNIZED THE MARRIAGE OF THE PARTIES NAMED ABOVE ON THE DATE AND AT THE TIME AND PLACE INDICATED.	26. SOLEMNIZATION OCCURRED TIME MONTH DAY YEAR AM _____ PM _____	27. TYPE OF CEREMONY 0 <input type="checkbox"/> RELIGIOUS 1 <input type="checkbox"/> CIVIL 9 <input type="checkbox"/> OTHER, SPECIFY _____	28. PLACE WHERE MARRIAGE OCCURRED A. STATE <u>NEW YORK</u> B. COUNTY _____ C. LOCATION OF CEREMONY (CHECK ONE AND SPECIFY) CITY <input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input type="checkbox"/> OF (SPECIFY) _____ NAME OF LOCALITY _____
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29. OFFICIANT NAME (PRINT) _____ TITLE <u>OFFICIANT</u> SIGNATURE _____ DATE _____ MAILING ADDRESS: <u>YOUR ADDRESS</u> <u>YOUR CITY</u> <u>STATE</u> <u>ZIP</u> STREET _____ CITY/TOWN _____ STATE _____ ZIP _____	30. WITNESS TO CEREMONY NAME (PRINT) _____ SIGNATURE _____
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31. WITNESS TO CEREMONY NAME (PRINT) _____ SIGNATURE _____
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NOTE: OFFICIANT MUST RETURN LICENSE TO ISSUING CLERK WITHIN FIVE (5) DAYS OF SOLEMNIZATION.

New York City Marriage Bureau

Marriage Officiant Registration

INTRODUCTION:

New York State Law requires any person who performs a marriage ceremony within the City of New York to register with the Manhattan Marriage Bureau office located at 141 Worth Street, New York, NY 10013.

If you are planning to perform a marriage ceremony anywhere within the five boroughs of New York City, you must register with the New York City Marriage Bureau *before* performing any ceremonies. **Please file within 30 days of receiving your credentials and endorsement documents.**

The registration requirement *does not apply* to marriage ceremonies performed anywhere else in the State of New York.

FEE:

The fee to register to perform marriage ceremonies is \$15 by credit card or money order payable to the City Clerk.

WHO IS ELIGIBLE TO REGISTER:

Section 11 of the Domestic Relations Law of the State of New York shows the list of people who are eligible to perform Marriage Ceremonies within the State of New York.

Generally, the following people may register:

- Clergy members or ministers of any religion;
- Leaders of the Society of Ethical Culture;
- The Mayor or any former Mayor of the City of New York;
- Federal, state, or local judges or justices, elected or appointed in the State of New York, who are currently serving or retired;
- The Clerk of the Appellate Division of the First or Second Department; and
- The County Clerk of any of the five counties in the City of New York.

If you are a member of the above stated list and have not previously registered to perform marriage ceremonies in the City of New York, please continue reading to learn how to register.

REGISTRATION PROCEDURE:

If you wish to register as a Marriage Officiant in New York City, you may submit an application online to the City Clerk's Office and visit the Manhattan office during regular business hours (8:30 am to 3:45 pm, Monday through Friday only) to complete it, or mail in your application materials.

Manhattan Marriage Bureau Office
141 Worth Street
New York, NY 10013

You must bring proper identification and the documentation required under the different options stated below. The requirements are different for each category of Officiant.

PROCEDURE FOR CLERGY MEMBERS AND RELIGIOUS LEADERS:

! If you are not currently ordained to perform ceremonies in New York, please visit FirstNationMinistry.org/us/new-york

If you are a clergy member or minister of any religious faith, there are three registration procedure options depending on which most suits your organization or congregation. As an ordained minister and Officiant through First Nation Ministry, **please select the following option:**

Part 3: Your denomination does not publish a directory, but issues Certificates of Ordination or Licenses to Minister.

- If you do not belong to a denomination that publishes a directory, you may submit a copy of your ordination certificate, a License to Minister, or a letter of appointment from your denomination; and
- You must attach a letter from your local congregation that verifies that you are the pastor or associate pastor of the congregation and that your congregation consents to your registration with the Office of the City Clerk (see enclosed letter designated "Appendix B"); and

You must also attach the following document:

- A statement that lists the location of the church, the reason for the church's founding, the number of trustees of the church, the approximate size of the congregation, and how often the congregation meets (see enclosed letter designated "Appendix C").

Once you have completed the form using the correct option above, you must visit the Manhattan office to complete your registration if you are a resident of the City of New York.

If you reside outside of the City of New York you may mail the signed and notarized application, a photocopy of your proper identification and your fee of \$15 by credit card or money order payable to the City Clerk.

COMPLETION OF REGISTRATION:

Your registration is complete once you have signed the registry at the Marriage Bureau. After you pay the fee, you will receive a Certificate of Registration with your Registration Identification Number.

Your Registration Identification Number can be used to speed the search for your record on a Marriage License or if you file a Change of Address with the Marriage Bureau.

NOTE: PLEASE VISIT www.Tiny.cc/NYC-MB TO BEGIN REGISTERING ONLINE