

# Texas Marriage Officiant Guide

**Officiants:** All regular ministers of the gospel of every denomination, and Jewish rabbis, more than 18 years of age, having the care of souls may perform marriages. Ministers, including those not residing in Texas, must be legally ordained by a church or religious organization, but are not required to register with any agency or department in the state. Ministers must endorse the marriage license and return it to the clerk of the county court within three days after the marriage.

## MARRIAGE LICENSE INFORMATION

*Much of the information below is state law in Texas; 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.*

**ID Requirement:** Certified copy of birth certificate or valid driver's license, or other acceptable ID issued by Texas, another state, the United States, or a foreign government.

- You must present your Social Security card or know your Social Security number.
- If you want to use your maiden name on the marriage license, bring a certified copy of your birth certificate or a certified copy of your divorce decree that states name is to be changed to maiden name.



**Residency Requirement:** You do not have to be a resident of Texas.

**If previously married:** If your divorce was finalized within 30 days, bring certified copy of the divorce decree stating the 30 day waiting period is waived.

**Application Requirement:** Both parties must appear, together or separately, to apply. (Portions of the application process may be completed by absentee application if one party is unable to appear in person).

**Proxy Marriages:** Permitted under certain circumstances. Consult with the local county clerk for particulars.

**Fees:** Generally between \$40 and \$85, depending on location. There is a state-mandated fee for a marriage license in Texas, and individual counties are permitted to charge an additional local fee. In addition, a discount is offered to couples that complete a premarital education course. Check your county's website for more information.

**Waiting Period:** Marriage licenses have a 72-hour waiting period, unless waived due to active duty military status, or if the couple has completed a premarital education course.

**Blood Tests:** No state blood test requirement.

**Under 18:** If either party is under the age of 18, they must be accompanied by parents. *If under the age of 16*, Texas law requires that the couple receive a court order before being allowed to marry.

**Common Law Marriage:** Not permitted.

**Cousin Marriage:** Not permitted.

**Same-Gender Marriage:** Permitted, following U.S. Supreme Court decision of 26 June 2015.

**Valid:** A Texas marriage license is valid for 30 days, and can only be used within the State of Texas.

**Please Note:** As of September 1995, Texas Law requires that a notarized statement pertaining to child support be submitted by all marriage license applicants. This form may be obtained at the same time you apply for your marriage license. It must be signed and completed in the presence of two witnesses and a notary public. No applications can be processed without the proper submission of this statement.

***For additional information, please visit [FirstNationMinistry.org](http://FirstNationMinistry.org)***

*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.*

# Texas Statutes – Family Code

## Chapter 2, Subchapter C. Ceremony and Return of License

**Sec. 2.201. EXPIRATION OF LICENSE.** If a marriage ceremony has not been conducted before the 90th day after the date the license is issued, the marriage license expires.

**Sec. 2.202. PERSONS AUTHORIZED TO CONDUCT CEREMONY.** (a) The following persons are authorized to conduct a marriage ceremony:

- (1) a licensed or ordained Christian minister or priest;
- (2) a Jewish rabbi;
- (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony;
- (4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, retired judge of a municipal court, or judge or magistrate of a federal court of this state; and
- (5) a retired judge or magistrate of a federal court of this state.

(b) For the purposes of Subsection (a)(4), a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or who has an aggregate of at least 12 years of service as judge or justice of any type listed in Subsection (a)(4).

(b-1) For the purposes of Subsection (a)(5), a retired judge or magistrate is a former judge or magistrate of a federal court of this state who is fully vested in the Federal Employees Retirement System under 28 U.S.C. Section 371 or 377.

(c) Except as provided by Subsection (d), a person commits an offense if the person knowingly conducts a marriage ceremony without authorization under this section. An offense under this subsection is a Class A misdemeanor.

(d) A person commits an offense if the person knowingly conducts a marriage ceremony of a minor whose marriage is prohibited by law or of a person who by marrying commits an offense under Section 25.01, Penal Code. An offense under this subsection is a felony of the third degree.

**Sec. 2.203. CEREMONY.** (a) On receiving an unexpired marriage license, an authorized person may conduct the marriage ceremony as provided by this subchapter.

(b) A person may assent to marriage by the appearance of a proxy appointed in the affidavit authorized by Subchapter A if the person is:

- (1) a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
- (2) unable to attend the ceremony.

**Sec. 2.204. 72-HOUR WAITING PERIOD; EXCEPTIONS.** (a) Except as provided by this section, a marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license.

(b) The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who:

- (1) is a member of the armed forces of the United States and on active duty;
- (2) is not a member of the armed forces of the United States but performs work for the United States Department of Defense as a department employee or under a contract with the department;
- (3) obtains a written waiver under Subsection (c); or
- (4) completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.

(c) An applicant may request a judge of a court with jurisdiction in family law cases, a justice of the supreme court, a judge of the court of criminal appeals, a county judge, or a judge of a court of appeals for a written waiver permitting the marriage ceremony to take place during the 72-hour period immediately following the issuance of the marriage license. If the judge finds that there is good cause for the marriage to take place during the period, the judge shall sign the waiver. Notwithstanding any other provision of law, a judge under this section has the authority to sign a waiver under this section.

**Sec. 2.205. DISCRIMINATION IN CONDUCTING MARRIAGE PROHIBITED.** (a) A person authorized to conduct a marriage ceremony by this subchapter is prohibited from discriminating on the basis of race, religion, or national origin against an applicant who is otherwise competent to be married.

(b) On a finding by the State Commission on Judicial Conduct that a person has intentionally violated Subsection (a), the commission may recommend to the supreme court that the person be removed from office.

**Sec. 2.206. RETURN OF LICENSE; PENALTY.** (a) The person who conducts a marriage ceremony shall record on the license the date on which and the county in which the ceremony is performed and the person's name, subscribe the license, and return the license to the county clerk who issued it not later than the 30th day after the date the ceremony is conducted.

(b) A person who fails to comply with this section commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

**Sec. 2.207. MARRIAGE CONDUCTED AFTER LICENSE EXPIRED; PENALTY.** (a) A person who is to conduct a marriage ceremony shall determine whether the license has expired from the county clerk's endorsement on the license. (b) A person who conducts a marriage ceremony after the marriage license has expired commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.