

## **Obtaining a Marriage License in Massachusetts**

All people who marry in Massachusetts must have a marriage license issued in Massachusetts. An out-of-state license cannot be used. The following are frequently asked questions about obtaining the license:

### **How do we apply for a marriage license?**

You must both apply in person for a marriage license. This requirement is applicable to both residents and non-residents of the Commonwealth. According to Massachusetts law, you must jointly file intentions to marry, and you may do so with the city or town clerk in any community in the state. Exceptions: If a person is in the military, intentions may be filed by either party, providing one is a Massachusetts resident. If a person is incarcerated in a county house of correction or a state correctional facility, either party may file intentions.

### **Is there a waiting period from the date of application to the date the license is issued?**

Yes, there is a mandatory three-day waiting period. While Sundays and holidays are included in the three days, the day the application is made is not. For example, if you apply on Friday, the license will be issued on or after Monday. Either party or even a relative may pick up the license at that time.

### **May we marry before the three days for good reason?**

Yes, if you can obtain a court waiver after filing intentions. According to MGL Ch. 207:30, if both parties are residents, or non-residents, or one of each, and they need to dispense with the three days, they may do so by applying to the judge of a probate or district court to have the license issued without delay. Under extraordinary or emergency circumstances, such as if the death of either party is imminent or the female is nearing the end of her pregnancy, an authorized request by a minister or clergyperson or an attending physician shall suffice and the clerk can issue the certificate without delay.

### **How do we obtain a waiver?**

You should file your intentions first with any city or town clerk. Then an application for a waiver must be filed by both of you at a probate or district court. After a hearing, the court may issue a certificate allowing the marriage license to be issued, and the marriage performed without delay.

### **What is the cost of a marriage license?**

Communities vary, but the fee in the Town of Newbury is \$25.00. This fee entitles you to 2 free copies of your marriage license, after the wedding. Additional certified copies of the marriage certificate are available at the Town Clerk's office for \$10 each.

### **At what age may a man or woman marry?**

A Massachusetts resident may marry if he or she is 18 years of age or older. A birth certificate may be required to show proof of age.

### **What if one or both of us is under 18?**

If either party is under 18, a court order from a probate or district court where the minor resides must be obtained before the marriage intentions can be filed.

**What if one or both of us has been divorced?**

You are not required to present a divorce certificate when filing intentions to marry. However, it is extremely important that an individual who has been divorced be certain that his/her divorce is absolute. If you are uncertain as to the absolute date of your divorce, you should contact the court where the divorce was granted. In Mass., a divorce does not become absolute until 90 days after the divorce nisi has been granted, regardless of the grounds for divorce.

**Is there any special requirement for a widow or widower who is remarrying?** No.

**Do we need any witnesses present at the ceremony?**

Mass. Statute does not require that witnesses be present at your ceremony. However, if a member of the clergy performs the ceremony, you should ensure that you are in conformity with the appropriate religious tenets.

**What are the responsibilities of the member of the clergy or justice of the peace?**

The member of the clergy or justice of the peace must complete and sign the original license and return it to the clerk of the city or town when the license was issued.

What should be done if an out-of-state member of the clergy is to perform the marriage?

If an out-of-state member of the clergy is to perform the marriage, the clergyperson must obtain a Certificate of Authorization from the Mass. Secretary of the Commonwealth prior to the ceremony. This certificate is to be attached to the original license and returned to the clerk of the city or town where the license was issued after the marriage. To download the application: <http://www.sec.state.ma.us/pre/premar/marnon.htm>

For additional information: <http://www.state.ma.us/sec/pre/preidx.htm>

**Is it possible for a layperson to solemnize a wedding?**

Yes, a non-minister or non-justice of the peace (such as a relative or family friend) may obtain special permission to perform a marriage. To obtain this one-time special appointment to solemnize a marriage, see <http://www.sec.state.ma.us/pre/premar/marnon.htm>.

**Are there special requirements if one applicant is an immigrant?**

If either of the parties has arrived as an immigrant from a foreign country within five days, the application may be filed at any time before the marriage, and the certificate shall be issued at any time after the filing.

**Where can we go for additional assistance or information?**

Commonwealth of MA Registry of Vital Records and Statistics  
Department of Public Health  
<http://www.state.ma.us/dph/bhsre/rvr/rvr.htm>