

California Marriage License, Registration and Ceremony Information

Welcome to the State of California, Department of Public Health's web page. This web page will give you general information regarding the requirements for the issuance and registration of public and confidential marriage licenses in California, as well as answer many frequently asked questions regarding the laws pertaining to marriage licenses and ceremonies in California. For further information, please contact the County Clerk/Recorder's Office in the county where you will be applying for the marriage license, or performing the marriage ceremony. Information regarding contacting the County Clerk/Recorder may be obtained by clicking the following link:

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CountyRecorderOffice.aspx>

The registration of public and confidential marriages in California is a local and state function. The California Family Code provides for a continuous and permanent marriage registration system. The system depends upon the conscientious efforts of local officials, clergymen, and other officiants in preparing the original records and in certifying the information on these records.

"Laws are mutually accepted rules by which, together, we maintain a free society. Liberty itself is built on a foundation of law. That foundation provides an orderly process for changing laws. It also depends on our obeying laws once they have been freely adopted."¹

County Clerk

The County Clerk issues public and confidential marriage licenses. The County Clerk is the local registrar of confidential marriages (Family Code, Section 511). The County Clerk maintains a permanent index of all confidential marriages registered.

Marriage Officiant

The marriage officiant, e.g., clergyperson or authorized individual, who performs the marriage ceremony, is required by law to complete the marriage license and return it to the County Recorder's office within 10 days of the event for registration. For confidential marriages, the marriage license is returned to the County Clerk's office for registration.

County Recorder

The County Recorder is the local registrar of public marriages (which includes declared and non-clergy marriages) under the direction of the State Registrar (Health and Safety Code, Sections 102285 and 102295).

¹ 1985 by Freedoms Foundations at Valley Forge.

The local official is required to see that a complete and acceptable certificate is filed for each marriage, and that each entry on the certificate is clear and unambiguous. Once reviewed for proper completion, the local official collects the certificates of marriage filed and transmits them to the state office on a monthly basis (Health and Safety Code, Section 102355).

An important function of the local registrar of marriages is to produce an index of marriages registered in his/her jurisdiction (Government Code, Section 27252).

GENERAL INFORMATION:

- ◆ You do not need to be a California resident to marry in California.
- ◆ To marry in California, the two parties to the marriage may not be already married.
- ◆ Marriage by proxy is **NOT** allowed in California. Family Code, Section 420(a) requires the two parties, marriage officiant, and witness if applicable, be physically present together in the same location for the marriage to be performed.
- ◆ Blood tests are **NOT** required to obtain a marriage license in California.
- ◆ Both parties must appear in person and bring valid picture identification to the County Clerk's Office to apply for a marriage license in California. Valid picture identification is one that contains a photograph, date of birth, and an issue and expiration date, such as a state issued identification card, driver's license, passport, military identification, etc. Some counties may also require a copy of your birth certificate.

If you have been married or in a State Registered Domestic Partnership (SRDP), you will need to know the specific date your last marriage or SRDP ended, and how it ended (Death, Dissolution, Divorce or Nullity). Some counties may require a copy of the final judgment if your previous marriage or SRDP ended by dissolution or nullity. An RDP need not be dissolved prior to the issuance of a marriage license if the parties to the RDP and the parties to the marriage are identical

- ◆ Marriage licenses are valid for 90 days from the date of issuance. If you do not get married within 90 days, the license will no longer be valid. **You must purchase a new license.**
- ◆ Many County Clerks in California perform civil marriage ceremonies in their offices. For further information regarding civil marriage ceremonies, please contact the County Clerk's Office directly to see if they provide this service.

- ◆ California Family Code, Section 400 states the persons authorized to solemnize marriage ceremonies in California are as follows:
 - φ A priest, minister, or rabbi of any religious denomination.
 - φ A judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, commissioner or retired commissioner, or assistant commissioner of a court of record in this state.
 - φ A judge or magistrate who has resigned from office.
 - φ Any of the following judges or magistrates of the United States:
 - φ A justice or retired justice of the United States Supreme Court.
 - φ A judge or retired judge of a court of appeals, a district court, or a court created by an act of Congress the judges of which are entitled to hold office during good behavior.
 - φ A judge or retired judge of a bankruptcy court or a tax court.
 - φ A United States magistrate or retired magistrate.
 - φ A legislator or constitutional officer of this state or a member of Congress who represents a district within this state, while that person holds office.

- ◆ All fees and hours of issuance for a marriage license may vary by county. Please contact the County Clerk/Recorder's Office directly to find out this information. Information regarding contacting the County Clerk/Recorder may be obtained by clicking the following link:
<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CountyRecorderOffice.aspx>

- ◆ The person solemnizing the marriage must return the original marriage license to the **County Clerk or County Recorder as applicable** within **10** days of the date of the ceremony. Addresses should be on the county site.

- ◆ You will **NOT** receive a copy of your marriage license after you have been married unless you request and pay for a certified copy from the **County Clerk or County Recorder as applicable**. You may access an application to request a certified copy of a marriage certificate at the following link:
<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CertifiedCopiesofMarriageandDivorceRecords.aspx>

- ◆ **ALL** information on the marriage license **MUST** be legible, unambiguous and reproducible. **DO NOT** change any information on the license, cross out information, use white out, etc., as that will require the payment for and issuance of a duplicate marriage license. Contact the County Clerk's Office if you have questions about completing the marriage license and/or incorrect information contained on the marriage license.

TYPES OF MARRIAGE LICENSES IN CALIFORNIA

There are two types of marriage licenses commonly issued in California. The public marriage license and confidential marriage license. In addition to the general requirements listed above, there are additional requirements for each of the licenses listed below.

PUBLIC MARRIAGE LICENSE:

- ◆ You must be at least 18 years old. Persons under 18 with written consent from at least one parent (or legal guardian) **AND** permission from a California Superior Court Judge may marry. Emancipated minors are **NOT** exempt from this process. Contact the County Clerk's Office in your county for further information regarding these requirements.
- ◆ The marriage license may be obtained from any county in California. You are not required to get married in the county where you purchase the public marriage license; however, you must be married in California. You must file the license in the county where it was purchased.
- ◆ You must have at least one witness present at your ceremony. The license contains a place for two witnesses if you prefer. You may **NOT** have more than two witnesses sign the official marriage license. Licenses received with more than two witnesses' signatures will be returned to the officiant and a duplicate marriage license will need to be purchased.
- ◆ There is no age requirement in California for witnesses; however, they must be old enough to know that they are witnessing a marriage ceremony **AND** be able to sign their name on the official marriage license.
- ◆ The marriage license is registered at the County Recorder's Office in the county where the license was purchased, and is a public record. Anyone may request copies of the marriage certificate by submitting the required fee to the County Recorder. You may access an application to request a certified copy of a marriage certificate at the following link:
<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CertifiedCopiesofMarriageandDivorceRecords.aspx>
- ◆ Only one officiant may sign the marriage license as the person who solemnized the marriage.

CONFIDENTIAL MARRIAGE LICENSE:

- ◆ The two parties to the marriage must be at least 18 years old to apply for a confidential marriage license. Minors may **NOT** purchase a confidential marriage license.
- ◆ The couple must be living together as spouses at the time they apply for the marriage license, and must sign an affidavit on the license attesting to that fact.
- ◆ The couple **MUST** be married in the county where the license is issued.
- ◆ No witnesses are required to be at the ceremony, **AND** no witnesses sign on the marriage license.
- ◆ The marriage license is a confidential record and is registered at the County Clerk's Office in the county where it was purchased. Only the couple may purchase copies of the marriage certificate and must present valid picture identification together with the required fee to the County Clerk in order to do so. Persons other than the parties to the marriage requesting copies of a confidential marriage certificate may only do so by presenting a court order to the County Clerk in the county where the license is registered.
- ◆ Copies of confidential marriages are not available from the state office.

FREQUENTLY ASKED QUESTIONS BY MARRIAGE OFFICIANTS:

1. If I am deputized to perform marriages for a day, do I have to perform the marriage in the county I was deputized in?
 - ◆ No. The authority of a commissioner or deputy commissioner of civil marriages to solemnize marriages extends throughout the state. However, the deputy for a day program varies and may not be available in all counties.
2. Does a deputized commissioner of civil marriages have to be a California resident?
 - ◆ No. Family Code, Section 401 contains no requirement that a deputized commissioner of civil marriages be a California resident. Out-of-state or out-of-country priests, ministers, or clergy persons may also perform marriages in California if they are ordained or invested by a denomination.
3. Where do I register to perform marriages in California?

- ◆ The laws of the State of California make it unnecessary for persons performing marriages to file credentials with the clerk of the court or with anyone else. The county and state are removed from any responsibility for verification of credentials. The State does not maintain a central registry of members of the clergy. Any such concern for verification is totally at the discretion of the parties to the marriage.
4. What authorization do I need to perform a marriage in California?
 - ◆ In California, it is the ordination or investment by the denomination that gives each clergy member the authority to perform the marriage rite. Family Code, Sections 400-402 are the statutes pertaining to who can solemnize a marriage in California.
 5. What statutes do I need to know to perform a marriage in California?
 - ◆ The marriage officiant who performs the marriage ceremony must know the California laws regarding the performance of a marriage and the requirements for officiants. Family Code, Sections 420-425 are the statutes pertaining to the performance of a marriage in California. Please visit www.leginfo.ca.gov for the full Family Code sections.
 6. Can Captains of the Salvation Army perform marriages in California?
 - ◆ Yes. Captains of the Salvation Army are permitted to perform marriages in California.
 7. Can the captain of a ship solemnize a California marriage?
 - ◆ It depends. Ships' captains have no authority to solemnize California marriages unless they fall into one of the categories listed under Family Code Section 400-401.
 8. Can a Medicine Man perform marriages?
 - ◆ Yes. Native American religions are recognized as "denominations." A religious leader or a Shaman is authorized to perform marriages. If the title of the religious leader is Medicine Man, then he is eligible to perform marriages.
 9. How soon after the wedding ceremony do I need to return the marriage license?
 - ◆ Ten (10) days. Family Code Section 359(e) states, "The certificate of registry shall be returned by the person solemnizing the marriage to the county recorder of the county in which the license was issued within 10 days after the ceremony."

10. When is a duplicate marriage license issued?
 - ◆ According to Family Code Section 360, “(a) If a certificate of registry of marriage is lost or destroyed after the marriage ceremony but before it is returned to the county recorder, the person solemnizing the marriage, in order to comply with Section 359, shall obtain a duplicate certificate of registry by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued. (b) The duplicate certificate of registry may not be issued later than one year after issuance of the original license and shall be returned by the person solemnizing the marriage to the county recorder within 10 days after issuance.” Contact the County Clerk in the county where the license was issued to find out the cost and process for issuing duplicate marriage licenses.

11. Do I have to review the marriage license prior to solemnizing the marriage?
 - ◆ Yes. The marriage license must be reviewed by the marriage officiant prior to solemnizing the marriage. Any person who solemnizes a marriage without first reviewing the license is guilty of a misdemeanor (Penal Code, Section 360).

12. What statutes pertain to confidential marriages?
 - ◆ Please visit www.leginfo.ca.gov for the pertinent Family Code, Sections 500-511.

13. A couple comes into the Recorder’s Office and presents their marriage certificate issued in a foreign country. They want the Recorder’s Office to record their foreign marriage certificate in California. Can their marriage be recorded in California?
 - ◆ No. A foreign marriage certificate cannot be recorded in California. If the couple needs to establish a record of the marriage in California, they can file a petition in Superior Court to establish a Court Order Delayed Certificate of Marriage.

14. Will I automatically receive an official copy of my marriage license?
 - ◆ No. You must request and pay an additional fee to receive an official (certified) copy of your marriage certificate. You may access an application to request a certified copy of your marriage certificate at the following link:
<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CertifiedCopiesofMarriageandDivorceRecords.aspx>

15. Can I have more than two witnesses sign on my public marriage license?

- ◆ No. The public marriage license requires the signature of one witness, and if desired, has a place for an additional witness. No more than **TWO** witnesses may sign on the public marriage license. Only one signature per line is allowed. No witnesses may sign on the confidential marriage license.

16. Can an ordained minister from another state perform a marriage ceremony in California?

- ◆ Yes. If they are authorized under Family Code Section 400, out-of-state ministers may perform marriages.

17. Can an ordained minister perform a marriage ceremony for multiple couples at the same time?

- ◆ Yes. There is nothing that prohibits multiple couples from being married at the same time.