

ALABAMA'S MARRIAGE ACT

FREQUENTLY ASKED QUESTIONS



1. When did the new law go into effect?

The new law, which eliminated the issuance of marriage licenses, went into effect on August 29, 2019.

2. What steps must a couple complete to be considered married under Alabama law?

- A. Fill out the Alabama Marriage Certificate form provided by the Alabama Department of Public Health.
- B. Sign the form and have the signatures notarized by a Notary Public authorized to notarize the form under the laws of the State of Alabama.
- C. Submit the form to the Probate Court within 30 days of the date the last party signed the form.

3. Where does a couple obtain the new Alabama Marriage Certificate form?

You can access the Alabama Marriage Certificate form online at the Alabama Department of Public Health's website at <https://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>. These links will take you to instructions for completing and filing the forms.

4. When is the effective date of the marriage?

As long as the Marriage Certificate form is submitted to probate court within 30 days of the signatures of the parties, the effective date of the marriage is the date that both parties sign the Marriage Certificate form. If the spouses sign on different dates, the date of the marriage will be the latter of the dates of the spouses' signatures. If the 30th day from the last party's signature (excluding the first day and including the last day) occurs on a Sunday or legal holiday, such day should be excluded and the next working day would be the deadline for recording the Marriage Certificate form. Saturdays, or any other day the Probate Court is closed pursuant to state law, should be treated in the same manner.

5. Are couples still required to have a marriage ceremony?

No. The new Act eliminated any requirement of a ceremony. Couples may still have ceremonies, of course. **Elmore County Probate Office does not officiate marriage ceremonies.**

6. Are couples required to go to Probate Court PRIOR to getting married?

No. Unlike the previous law's requirement that a couple apply for a license PRIOR to getting married, the new Act requires that the Alabama Marriage Certificate form be filed with the office of the Judge of Probate Court AFTER the couple is married.

7. How old must a person be to marry in Alabama?

To get married without parental consent, a person must be at least 18 years old. Anyone under the age of 18, but at least 16 years old may marry in Alabama as long as he or she has parental consent. Anyone under the age of 16 years old is not permitted to marry.

8. Must both parents or guardians consent for a minor to marry?

No. The law only requires that ONE parent or guardian consent to the minor's marriage.

9. How does a parent or guardian provide consent for a minor to marry?

There are two versions of the Marriage Certificate form. There is one form for persons who are 18 years of age and older, and a second version of the form for persons who are 16 to 17 years of age and require the consent of a parent or guardian to enter into marriage. The consenting parent(s) or guardian(s) must complete page 2 of the Marriage Certificate form, entitled "Affidavit of Consent for Marriage of a Minor." By signing the consent form before a notary, the parent or guardian is affirming that he or she is either the parent or guardian of the minor and that he or she consents to the marriage of the minor.

10. Must the parent or guardian providing consent for a person over 16 and under 18 years of age to marry appear in person with the minors?

No. They need only to complete page 2 of the Marriage Certificate form, entitled "Affidavit of Consent for Marriage of a Minor" as previously stated above.

11. How much is the fee to get married?

The fee to record the Marriage Certificate form is \$76.00 in Emore County. The fee must be paid by cash, money order, or credit card. **No checks will be accepted to record Marriage Certificate forms.**

On the following page is the Marriage Certificate fee breakdown, as set out in the Code of Alabama:

Code Section 30-6-11	\$60.00 Domestic Violence Trust Fund
Code Section 12-19-90(b)(32)	\$10.00 Issue and Recording Marriage License
Code Section 45-26-81.20	\$ 2.00 Special Index Fee \$1.00 for each party
Code Section 45-26-81.21(a)	\$ 1.00 Special Recording Fee per instrument
Code Section 45-26-81.22(a)	\$ 3.00 Special Recording Fee per instrument
 Total Cost	 \$76.00

This fee does not include the cost of obtaining a certified copy of your Marriage Certificate. Because the original Marriage Certificate is retained by the Court for submission to the State of Alabama, it is strongly recommended that you obtain at least one certified copy for your records. The cost for a certified copy is outlined below in paragraph 12.

12. *How do I obtain certified copies of my Marriage Certificate?*

If you would like a certified copy of the Marriage Certificate, you may obtain a copy from the Records Division of the Probate Office located on the first floor of the Elmore County Historic Courthouse (100 East Commerce Street, Wetumpka, Alabama 36092). This can be obtained immediately after it's been recorded. The fees for a certified copy are as follows:

Certified Copy - Standard Marriage Certificate:

Code Section 45-26-81.22(d)	\$ 1.00 Copy Fee for Marriage Certificate Form
Code Section 12-19-90(b)(19)	\$ 3.00 Certification with Seal

Certified Copy - Standard Minor Marriage Certificate:

Code Section 45-26-81.22(d)	\$ 1.00 Copy Fee for Marriage Certificate Form
Code Section 45-26-81.22(d)	\$ 1.00 Copy Fee for each Parental Consent
Code Section 12-19-90(b)(19)	\$ 3.00 Certification with Seal

Additional copies may also be obtained from the Alabama Department of Public Health's Center for Health Statistics. Once the certificate has been submitted by the Probate Court and received and filed in the Center for Health Statistics, you may request certified copies of your certificate through that office. For instructions on how to request certified copies of your certificate in person, online, by mail, or by phone, visit the Center's website at <https://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>. You may also call the Center for Health Statistics at (334) 206-5418.

13. *What happens if the form is not submitted to the Probate Court within 30 days of the signatures of the parties?*

Court staff are required to reject forms that are not submitted within 30 days of execution.

A new Marriage Certificate form would need to be completed and delivered to the Probate Court within the 30 days as required by law.

14. Do both spouses have to come together to the Probate Court to bring the Marriage Certificate form to be recorded?

No. Both spouses do not have to come to the Probate Court to record the Marriage Certificate.

15. Am I required to record the Marriage Certificate form in the county where I or my intended spouse reside?

No. You may record an Alabama Marriage Certificate form in any Alabama county probate court.

16. Does the Marriage Certificate form and supporting documents need to be delivered in person or can they be submitted by mail or electronically?

The Marriage Certificate forms and data may be delivered in person or by mail to the probate court, not electronically. If either party elects to mail in the certificate, please include a separate sheet that includes contact information and a self-addressed stamped envelope for return of documentation.

17. Will the Probate Court reject a Marriage Certificate form with illegible handwriting?

Yes. The Probate Court will reject a Marriage Certificate form with illegible handwriting as it will not contain all the information needed under Alabama law.

18. Will Probate Court provide a notary to notarize the Marriage Certificate form?

No. Staff at the Elmore County Probate Court are not permitted to notarize documents for the public. Notaries are available at many locations, including banks, public libraries, UPS stores, AAA, and some pharmacies. Your personal bank may provide notary services for free, but there may be a charge for notary services at some of the other listed locations. Under Alabama law (Ala. Code §36-20-74 (2013)), a Notary Public is able to charge \$10 for each signature that is notarized, and for each official act performed.