

## The Marriage License

\*For a few years now, New York has recognized same-sex marriages equally with opposite-sex marriages; and transgendered couples could always find a way to easily marry without issue. As of July 24, 2011, New York State will issue marriage licenses for **all** couples regardless of gender/sexual orientation to marry legally within its jurisdiction.

\*You must get a marriage license to have a public record of your marriage for insurance and other benefit purposes. Clerk's offices are only open during normal business hours and close on either major holidays or observed holidays. Your marriage officiant cannot do this for you: no officiant can secure the license in advance in New York State. Only in California may couples get a "confidential license" if they live together through some officiants.

\*You must get the license in the state in which you will marry; if you get the license in New York, you must marry at a legal New York address. In other words, you cannot get the license in New Jersey and marry in New York, or vice versa.

\*New York does not have a residency requirement: anyone from anywhere can marry here: just bring proper identification for both parties (passports & U.S. Driver's licenses are the most common, but other forms are acceptable).

\*You must get the license at least 24 hours before you marry unless you get a court order to waive the waiting period, which is not too difficult to obtain. But you can get the license up to sixty days in advance. If you plan to visit one of the NYC branches (one each in every borough), then you may complete the application online up to 21 days in advance, but you still need to visit the office at least 24 hours in advance together for the physical hard-copy.

\*You do not need to bring a witness to the Clerk's Office to get the license. But both must appear with proper identification. NYC accepts passports, U.S. driver's licenses, naturalization papers, and various other forms. Almost all *\*other\** offices in New York State require the birth certificate plus another form of identification, such as the passport, driver's license, or picture ID employment card.

\*If you were married previously, bring a copy of your divorce papers or death certificate of your previous spouse. If you are marrying your current spouse again, bring your marriage certificate.

\*You do not have to change your surname / last name / family name. If you want to alter your surname, you must indicate so on the license. Either prospective spouse can change their last name. Or both can change to a new family name that is a mix of their pre-marriage last names.

\*The license fee is \$35 payable by credit card or money order in NYC. It is \$40 elsewhere in New York.

\*If you get the license in one of the five boroughs, your marriage officiant must be pre-registered with the City of New York. (My registration number is 77862.)

\*Make sure to give your license before the ceremony commences to your officiant to complete. Your officiant is responsible for completing it properly and mailing / filing it within five business days with the Clerk's Office. It is technically illegal for the officiant or couple to sign before the ceremony, but perfectly okay after the vows and before the pronouncement in New York. At the same time, once you say "I take you as my husband / wife" in the presence of a registered officiant, you are legally married. (The officiant

is guilty of a crime for marrying the couple without a license, although I cannot imagine a conviction based upon this scenerio due to the protections allocated clergy.)

\*Do not leave the Clerk's office without checking the marriage license you hold in your hands completely for errors. I've seen birthdays written as 2/27/0000 and wrong names for parents and couples who did not realize the surname would not alter automatically. Some mistakes are clearly mistakes and no big deal. Others are significant. For example, one couple had to return for a duplicate real license because the Clerk accidentally gave them a copy and not the original, which is printed on thicker paper with blue print on the back.

\*In the unlikely event that the license is dropped in the bathtub or Fido takes a bit out of it before the wedding day or even (again, highly unlikely), the Post office or Clerk misplaces the completed license mailed by the officiant, do not panic: you are still married in the eyes of the law; you just need the documents. You would return to the Clerk for a duplicate license. If you already married, the officiant would re-input all information, a witness (again, anyone that was there) would sign, and you'd still have your original wedding date. Again, all very unlikely. But I had one couple who gave me a mutilated license on their big day, which the Clerk would not accept, and they had to get a duplicate.

\*If you marry with a registered officiant, you will receive the blue certificate in the mail anywhere from 2-8 weeks (one month is average for NYC) later. NYC is usually slower than other Clerk's offices in NYS. The Clerk will send the certificate to whatever address you gave them, so make sure it is correct. For most couples, this route is normal and perfectly okay. On very rare occasions, couples need the certificate immediately. If you received the license in NYC, you have one alternative: you can visit the Clerk **the next business day only** for the completed certificate. But only take this route if it is absolutely necessary, as the Clerk is not too fond of it.

\*You must have at least one witness (above 18 years old—a city policy) present during the ceremony to sign. This can be any responsible person, whether relative, friend, or stranger. The New York State and New York City marriage licenses (they look a little different) leave space for two to sign, but only one is legally necessary.

\*For those who decide to change (a) surname(s), you will sign your maiden/original name on the license. By signing your pre-marriage name, you are agreeing to the authenticity of the information on the license (I.e. the name change). If you plan a honeymoon immediately following the ceremony, you will legally be your new married name. BUT you will not have any identification stuff changed – passport, et cetera. So you may need to still sign your pre-marriage surname or use it for travel plan scheduling.

\*Domestic partnership and marriage ceremonies are available at the Clerk's offices for \$25. I am not kidding as I write that the NYC ceremony is thirty to forty-five seconds long. And, yes, you have to wait on line. And, no, the Clerk will not adhere to requests to move the ceremony anywhere else.

## **LINKS**

*New York State: [General License Information](#)*

*Get your marriage license at the [NYC Marriage Bureau // NYC Clerk's Office](#)*