

# **FREQUENTLY ASKED QUESTIONS REGARDING THE ALABAMA MARRIAGE CERTIFICATE**

## ***LEGALITY OF MARRIAGE IN ALABAMA***

**Q. How has the marriage process changed under the law passed in 2019 by the Alabama Legislature?**

A. As of August 29, 2019, persons wanting to marry in Alabama no longer file an application for a marriage license with the county probate court, and the courts no longer issue marriage licenses. Instead, the Alabama Marriage Certificate form should be completed by the persons entering into marriage and delivered to the probate court for recording.

**Q. When does my marriage become “legal”?**

A. Your marriage is valid or “legal” when the properly completed, signed and notarized Alabama Marriage Certificate form is recorded by an Alabama probate court. The marriage form must be delivered to the probate court within 30 days of the latter of the dates of the spouses’ signatures for the marriage to be valid.

**Q. How is the date of my marriage determined?**

A. The law provides that the date of the marriage is the date that the affidavit on the Alabama Marriage Certificate form is signed by the two spouses, so long as the completed and notarized form is provided to the probate office for recording within 30 days of the date of the spouses’ signatures. If the spouses sign on different dates, the date of the marriage will be the latter of the dates of the spouses’ signatures, provided the form is delivered to the probate court within 30 days of the date of that last signature.

**Q. What does “the latter of the dates of the spouses’ signatures” mean?**

A. If the spouses sign on two different dates, this means the latest date of the two signatures.

**Q. Where can I find the Alabama Marriage Certificate form?**

A. You can access the Alabama Marriage Certificate form online at the Alabama Department of Public Health’s website at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>. 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. Instructions for completing and filing the forms are included. County probate courts may also elect to post a link to the forms on their own websites or have printed copies of the forms available at their offices.

**Q. Can I still have a marriage ceremony performed?**

A. A wedding ceremony is optional. You may have a ceremony, but it is no longer required for a recognized marriage in Alabama.

# FREQUENTLY ASKED QUESTIONS REGARDING THE ALABAMA MARRIAGE CERTIFICATE

## ***LEGALITY OF MARRIAGE IN ALABAMA (continued)***

### **Q. How long do I have to wait after my divorce to remarry in Alabama?**

- A. Certain circumstances can affect the waiting period for remarriage after divorce. Please consult your divorce decree for guidance or contact your legal representative or the court which issued the divorce decree for assistance.

## ***WHO CAN MARRY IN ALABAMA***

### **Q. Can minors marry in Alabama?**

- A. If you are under the age of 18, but are at least 16 years of age, and have never been married, you can still marry in Alabama with the consent of a parent or guardian. 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." For the marriage to be valid, the marriage form completed by the spouses and the Affidavit of Consent must be presented together to the probate court for recording. The final Marriage Certificate will be a two-page document.

### **Q. I live in another country. Can I marry in Alabama? What should I put on the Marriage Certificate form for county and state of residence and Social Security Number?**

- A. A resident of a foreign country who meets the eligibility criteria stated on the Marriage Certificate form and who properly completes the Marriage Certificate can marry in Alabama. Persons who reside in a foreign country should enter the name of the state, province or territory of the foreign country in the Residence County field on the form and enter the name of the foreign country in the Residence State field. If an individual has never been assigned a Social Security Number by the Social Security Administration, the field for the Social Security Number should be left blank.

## ***NOTARY INFORMATION***

### **Q. Where can I find a notary? Will there be a charge for notary services?**

- A. Notaries are available at many locations, including banks, public libraries, UPS stores, AAA and some pharmacies. Your personal bank should provide notary services for free, but there may be a charge for notary services at some of the other listed locations. Under Alabama law, a Notary Public is able to charge \$5 for each signature that is notarized and for each official act performed. Notaries who drive to meet with you can charge an additional fee or fees to compensate them for the expense of travel; Alabama does not set limits on what a notary can charge for travel. A list of commissioned notaries is available at the Alabama Secretary of State's website at <https://www.sos.alabama.gov/administrative-services/notaries-public>.

## **FREQUENTLY ASKED QUESTIONS REGARDING THE ALABAMA MARRIAGE CERTIFICATE**

### ***NOTARY INFORMATION (Continued)***

- Q. Can a non-Alabama notary notarize an Alabama Marriage Certificate form?**
- A. No, per the Alabama Office of the Attorney General's opinion issued May 18, 2022, a Marriage Certificate form notarized by a notary public not authorized to notarize under the laws of the State of Alabama shall not be accepted for recording by an Alabama probate court. A Marriage Certificate form notarized by a notarizing officer of the U.S. Department of State is also not acceptable.
- Q. Can I or my notary electronically sign the Alabama Marriage Certificate form?**
- A. An electronic signature of a spouse, notary or consenting parent of a minor spouse is not acceptable on a Marriage Certificate. A Marriage Certificate form with an electronic signature for any of these parties will not be recorded or filed.

### ***HOW TO RECORD AN ALABAMA MARRIAGE CERTIFICATE***

- Q. Am I required to record the Alabama Marriage Certificate form in the probate court of the Alabama county where I or my intended spouse reside?**
- A. You may record an Alabama Marriage Certificate form in any Alabama county probate court.
- Q. How much does it cost to record a marriage with the probate court?**
- A. Every county probate court in Alabama sets its own fees for recording documents. Call the office of the probate court for its current recording fees or check the court's website to find a listing of recording fees.
- Q. What happens if the Alabama Marriage Certificate form is not delivered to the probate court within 30 days of the spouses' signatures, as required?**
- A. The marriage would be considered invalid, and the spouses would need to complete a new Marriage Certificate form and deliver it to the probate court within the 30 days required by law.
- Q. Can I mail the Alabama Marriage Certificate to the probate court?**
- A. Yes, however, you should mail the completed, signed and notarized Alabama Marriage Certificate in sufficient time to be received by the probate court within the 30 days required under law, in order for the marriage to be valid. Certificates that are emailed will not be accepted by the probate courts.

## **FREQUENTLY ASKED QUESTIONS REGARDING THE ALABAMA MARRIAGE CERTIFICATE**

### ***HOW TO RECORD AN ALABAMA MARRIAGE CERTIFICATE (Continued)***

**Q. Can I send my completed Alabama Marriage Certificate directly to the Center for Health Statistics for filing?**

A. No, Marriage Certificates must be delivered to an Alabama county probate court for recording, not the Center for Health Statistics. Marriage Certificate forms sent directly to the Center for Health Statistics will be returned to the sender without being recorded or filed.

### ***MARRIAGE CERTIFICATE COPIES AND CORRECTIONS***

**Q. Will the probate court provide me with a certified copy of my Marriage Certificate after it has been recorded?**

A. Some probate courts currently provide a certified copy of the Marriage Certificate to couples and have announced that they will continue to do so, but the practice is different from county to county.

**Q. How do I get additional certified copies of my Marriage Certificate?**

A. After the probate court records the Marriage Certificate, the original certificate will be forwarded to the Alabama Department of Public Health's Center for Health Statistics. Once the original certificate has been 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 or by mail, visit the Center's website at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>.

**Q. If I or my spouse made a mistake in the information we provided on the Marriage Certificate, can we make corrections to the Marriage Certificate after it has been filed with the probate court?**

A. Yes, you can make corrections to your filed Marriage Certificate. To do so, you must complete a form called "Amendment to Alabama Marriage Certificate and Decree of Correction." You may obtain that form from an Alabama county probate court. The form must be completed, signed and notarized by both spouses and presented to an Alabama probate court for filing. You will need to pay another recording fee to the court at that time. After recording, the court will forward the amendment to the Alabama Department of Public Health's Center for Health Statistics. The amendment will be permanently attached to and issued with the original Marriage Certificate when certified copies are requested through the Center for Health Statistics. See the Frequently Asked Question about obtaining additional certified copies of a Marriage Certificate for more information.

***Question not answered above?*** Call the Center for Health Statistics at (334) 206-2714.