

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

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

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

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

**A.** You can access the new 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 new 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 new forms available at their offices.

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

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

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

**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.** 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.** 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 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.

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**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>.

**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.** 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.** Can I mail the Alabama Marriage Certificate to the probate court?

**A.** This question has been submitted to the Alabama Attorney General for guidance, and we are awaiting a response. The FAQs will be updated to reflect the Attorney General's Opinion as soon as it is issued.

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

**A.** This question has been submitted to the Alabama Attorney General for guidance, and we are awaiting a response. The FAQs will be updated to reflect the Attorney General's Opinion as soon as it is issued.

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 may be 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 certificate will be forwarded to the Alabama Department of Public Health's Center for Health Statistics. Once the 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, by mail, or by phone, visit the Center's website at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>. You may also call the Center for Health Statistics at (334) 206-5418.