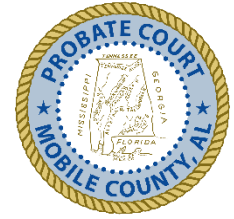


# ALABAMA'S NEW MARRIAGE ACT

## FREQUENTLY ASKED QUESTIONS



**1. When does the new law go into effect?**

The new law, which eliminates the issuance of marriage licenses, is effective Thursday, August 29, 2019.

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

- 1.) Fill out the Alabama Marriage Certificate form provided by the Alabama Department of Public Health.
- 2.) Sign the form and have the signatures notarized.
- 3.) Submit the form to probate court within 30 days of the signatures of the parties.

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

Once the new Act goes into effect, 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>. Mobile County Probate Court will also place a link to the form on its website: <http://probate.mobilecountyal.gov/marriage.asp>. These links will also take you to instructions for completing and filing the new forms. In addition, Mobile County Probate Court will provide blank forms for pick up at the Judicial Intake window, which is located on the first floor of the Mobile County Government Annex (151 Government St., Mobile AL 36602).

**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.

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

No. The new Act eliminates any requirement of a ceremony. Couples may still have ceremonies, of course.

**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 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 consent for a minor to marry?**

No. Unlike the previous law's requirements that BOTH parents consent to the minor being married, the new Act only requires that ONE parent consent to the minor's marriage.

**9. How does a parent 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."

**10. How much is the fee to get married?**

The fee to record the Marriage Certificate form is \$70.00 in Mobile County. The fee must be paid by cash, money order, or credit card. No checks will be accepted to record Marriage Certificate forms. Below is the Marriage Certificate fee breakdown.

§ 12-19-90 (b) (32)	\$10.00 Record Marriage Certificate
§ 30-6-11	\$60.00 Domestic Violence Trust Fund

**11. 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 located on the second floor of the Mobile County Government Annex (151 Government St., Mobile AL 36602). This can be obtained immediately after its been recorded. The fee for a certified copy is \$3.00 for a standard Marriage Certificate, and \$4.00 for a Marriage Certificate that includes parental consent. To expedite the process for getting a certified copy, make a note of the instrument number assigned to your Marriage Certificate when it is recorded, and share that number with the clerk in the Records Division.

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 <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>. You may also call the Center for Health Statistics at (334) 206-5418.

**12. What happens if the form is not submitted to probate court within 30 days of the signatures of the parties?**

The marriage would be considered invalid, and the spouses would need to start the process over. They would complete a new Marriage Certificate form and deliver it to the probate court within the 30 days required by law.

**13. Do both spouses have to come together to probate court to bring the Marriage Certificate form to be recorded?**

We have requested clarification from the Alabama Attorney General as to whether one spouse or a third party may deliver the Marriage Certificate form to probate court to be recorded, and whether the Marriage Certificate form can be mailed to probate court in lieu of hand delivery. Until we receive that clarification, both spouses need to bring in the completed Marriage Certificate form in person to probate court to record it. Once we receive a response from the Attorney General on this and other matters, we will update this FAQ document on our website. We will also publish a copy of the Attorney General's Opinion on our website.

**14. 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.

**15. Will probate court provide a notary to notarize the Marriage Certificate form?**

No. Staff at Mobile 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 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.