

Getting Married

[Where do you get a marriage license?](#)

A couple who intends to be married in New York State must apply in person for a marriage license to any town or city clerk in the state. The application for a license must be signed by both applicants in the presence of the town or city clerk. A representative cannot apply for the license on behalf of the applicant. This applies even if the representative has been given a Power of Attorney. Notarized marriage license affidavits signed by the applicants cannot be substituted for their personal appearance.

[Is there a waiting period?](#)

Yes. Although the marriage license is issued immediately, the marriage ceremony may not take place within 24 hours from the exact time that the license was issued. The 24-hour waiting period may be waived by a judge or justice of the Supreme Court of New York State or the county judge of the county in which either party to be married resides.

[How long is the license valid?](#)

A marriage license is valid for 60 calendar days, beginning the day after it is issued. If a party to the marriage is active U.S. military, the solemnization period may be extended to 180 calendar days. The applicant must provide proof to the issuing clerk at the time of application.

[Who can get married?](#)

Age Requirements Marriages of minors under eighteen years of age is prohibited. If either applicant is under 18 years of age, a marriage license cannot be issued.

[Proof of Age and Identity](#)

Both parties are required to present to the clerk documentary proof of age.

Documents include those listed below:

- an original or certified copy of a birth record with their parents listed,
- a baptismal record with parents listed
- a naturalization record

A person must establish identity. Identity related documents include:

- a passport,
- an automobile driver's license,
- any government or school issued identification card that contains a recent photograph of the applicant,
- an employment picture ID.

[Previous Marriages](#)

Information regarding previous marriages must be furnished in the application for a marriage license. This includes whether the former spouse or spouses are living, and whether the applicants are divorced and, if so, when, where and against whom the divorce or divorces were granted. A certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage is required by the clerk issuing the marriage license.

Name Change Options

Every person has the right to adopt any name by which he or she wishes to be known simply by using that name consistently and without intent to defraud.

A person's last name (surname) does not automatically change upon marriage, and neither party to the marriage is required to change his or her last name. Parties to a marriage need not take the same last name.

One or both parties to a marriage may elect to change the surname by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new name must consist of one of the following options:

the surname of the other spouse; any former surname of either spouse; a name combining into a single surname all or a segment of the pre-marriage surname or any former surname of each spouse; a combination name separated by a hyphen or a space, provided that each part of such combination surname is the pre-marriage surname, or any former surname, of each of the spouses.

One or both parties to a marriage may elect to change the middle name by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new middle name must consist of one of the following options:

the current surname of the spouse electing to change his or her name; any former surname of the spouse electing to change his or her name; the surname of the other spouse.

The use of this option will provide a record of your change of name. The marriage certificate, containing the new name, if any, is proof that the use of the new name, or the retention of the former name, is lawful. The local Social Security Administration office should be contacted so that its records and your Social Security identification card reflect the name change. There is no charge for this service.

To change the name on your NYS driver license or non-driver identification, contact the Contact the New York State Department of Motor Vehicles for information or visit <https://dmv.ny.gov/>.

Whether you decide to use or not use this option at the time of your marriage license application, you still have the right to adopt a different name through usage at some future date. However, your marriage license cannot be changed to record a surname you decide to use after your marriage.

If you plan to use your married name at work, be sure to have your name changed in Social Security records. This way, you will get credit for all your earnings. It's easy and it's absolutely free. Contact any Social Security office. You can find the address and phone number of your local Social Security Office at <http://www.ssa.gov>. You will need documentary evidence showing both your old name and your new name.

Where can a marriage take place?

A New York State marriage license may be used within New York State only. Please note that if you go out of New York State to be married, your New York State marriage license will not be filed in New York State.

What about the ceremony?

There is no particular form or ceremony required except that the parties must state in the presence of an authorized public official or authorized member of the clergy and at least one other witness that each takes the other as his or her spouse. There is no minimum age for a witness. However, in selecting a witness, choose at least one person who you feel would be competent to testify in a court proceeding as to what he or she witnessed.

Who can perform a marriage ceremony?

To be valid, a marriage ceremony must be performed by any of the individuals specified in Section 11 of the New York State Domestic Relations Law or an individual may obtain a One Day Marriage Officiant license from the town/city clerk who is issuing the marriage license.

