

MARRIAGE LICENSE INFORMATION

PLEASE READ BEFORE APPLYING FOR LICENSE AT CLERK'S OFFICE

Necessity of license: It is against the law to be joined in marriage (by an officiant) without a license issued by a clerk of the district court.

Who can act as an officiant: See statute below:

MCA 40-1-301. Solemnization and registration.

(1) A marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of marriages, by a mayor, city judge, or justice of the peace, by a notary public authorized pursuant to 1-5-630, by a tribal judge, or in accordance with any mode of solemnization recognized by any religious denomination, Indian nation or tribe, or native group. Either the person solemnizing the marriage or, if no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the clerk of the district court.

(2) If a party to a marriage is unable to be present at the solemnization, the party may authorize in writing a third person to act as proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, the person may solemnize the marriage by proxy. If the person solemnizing the marriage is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy.

(3) The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it if either party to the marriage believed that person to be qualified.

Validity of license: A marriage license, once issued, is valid for 180 days (about 6 months). It is valid the minute it is issued; THERE IS NO WAITING PERIOD. If at least one of the parties is a Montana resident, it is valid anywhere in the state. If both parties are non-residents, the license may be obtained from the clerk of the district court of the county where the marriage ceremony is to be performed.

Age of consent: At least 18 for both parties. If one or both is younger than 18, but 16 or older, it is still possible to get a license, but you are required to do much more (see Marriages Involving Minors below). In any case, we may require you to show proof of age and identity (birth certificate and/or picture ID).

Blood test: It is no longer necessary for women to have the premarital blood test.

Fees: \$53.00 for the license + \$7.00 if you would like a certified copy sent to you after your license and certificate is filed. You will need a certified copy to change your last name. **TOTAL \$60.00.** Cash, cashier's check, money order or debit/ credit cards are gladly accepted. **We do not accept out of county personal checks.**

Prior marriage(s): Any applicant who has been married before must show proof of the termination of the prior marriage (either a death certificate or a divorce decree.) If the applicant has been married more than once before, it only applies to the immediate past marriage. If the marriage was terminated in this county, local records can be checked; otherwise, you will need to bring copies. NO EXCEPTIONS!

Appearance of both parties: We must have BOTH parties appear and sign the application BEFORE we can issue the license.

Public Record: After they are filed, marriage licenses become public record and we cannot withhold them from the media or anyone else.

Forms: We're happy to provide you with a worksheet, in advance, that shows everything we need to know for all the paperwork. You will save yourselves time and trouble if you take the time to fill it out completely.

Legal impediments: It is against the law for us to AND WE WILL NOT ISSUE A LICENSE TO ANYONE WHO IS: (1) under the age of 16; (2) nearer in kin than second cousin to the prospective spouse; (3) under the influence of any intoxicant at the time of application; (4) had a prior marriage license application rejected and the reason for rejection has not been rectified; or (5) not fully complied with any provision contained on this sheet. Please, don't even try.

Penalties: Misdemeanor and/or felony criminal charges can result from knowingly falsifying information on your application and/or failing to comply with the laws relating to the application. Possible penalties resulting from any criminal conviction can include fines and/or jail time. Aside from criminal liability, you may face serious consequences, legally and otherwise, if you choose not to comply with the spirit and intent of the laws relating to marriage. Please don't hesitate to ask us if you have any uncertainty. You are assured we will maintain confidentiality and either answer your questions to the best of our ability or refer you to someone who can.

SPECIAL CIRCUMSTANCES:

Declaration without solemnization: It is possible to declare yourselves legally married without going through a ceremony in Montana. You will still, in effect, have to comply with everything on this sheet, although we will not actually be issuing you a license. Ask us for details.

Marriage by proxy: Montana is one of a very few states that allows a party to a marriage to provide a written proxy if that party is unable to attend the solemnization of the marriage. In other words, you can nominate (in writing) another person to stand in for you at the actual ceremony if you are unable to be present. Again, ask us for details.

MARRIAGES INVOLVING MINORS

Montana law protects minors and imposes additional requirements to ensure that a proposed marriage is in the best interest of an underage party.

If either party is under sixteen (16) years of age, THERE CANNOT BE A LEGAL MARRIAGE IN MONTANA. If either of the parties is 16 or 17, it is possible to get a marriage license, but you have to fully comply with everything stated above,

PLUS THE FOLLOWING:

Parent or guardian permission: You will have to provide written, signed and notarized permission to the marriage from any parent or legal guardian whose rights haven't been legally terminated. This may mean contacting an absent parent or guardian.

Counseling sessions: The law requires you to submit a WRITTEN report from a designated counselor, stating that both parties have adequately participated in and completed at least two (2) marriage counseling sessions, at least ten (10) days apart, before we can issue a license.

Judicial approval: After you have done all the above things, there is one more hurdle. A marriage license may be issued only if the district judge finds that the underage party can assume the responsibilities of marriage and that marriage will serve the minor's best interest. Pregnancy alone does not establish that the best interest of the party will be served. So, even in cases where a pregnancy is involved, as well as when not, the district judge, in effect, must approve of the marriage.

MARRIAGE LICENSE APPLICATION

(please write legibly)

PLEASE READ THE ATTACHED INFORMATION BEFORE APPLYING FOR LICENSE.

Type of ceremony planned: Religious Civil

Are you related? Yes No If yes, please describe relationship: _____

Have you had a prior application rejected? Yes No If yes, reason: _____

Future Mailing Address: _____

City _____ State _____ Zip _____

A contact phone number (either party): _____

SPOUSE 1:

First Name: _____ Middle: _____ Last: _____

Maiden Surname: _____ Social Security #: _____ - _____ - _____

Current Address: _____

Birth Country: _____ Birth State: _____

Birth County: _____ Birth City: _____ Date of Birth: _____

Father's 1st Name: _____ Middle: _____ Last: _____

Father is deceased: If checked, skip the next two questions.

Father's Residence State: _____ Father's Residence City: _____

Father's Birth Country: _____ Father's Birth State: _____

Mother's 1st Name: _____ Middle: _____ Maiden Surname: _____

Mother is deceased: If checked, skip the next two questions.

Mother's Residence State: _____ Mother's Residence City: _____

Mother's Birth Country: _____ Mother's Birth State: _____

Spouse 1's Race: _____ Highest level of Education: _____ Sex: M F

Number of this Marriage: _____

If not 1st marriage, then last marriage terminated by: Divorce Death Unknown

Previous Spouse First Name: _____ Previous Spouse Maiden Surname: _____

Date of Divorce/Death: _____ State: _____ County: _____

SPOUSE 2:

First Name: _____ Middle: _____ Last: _____

Maiden Surname: _____ Social Security #: _____ - _____ - _____

Current Address: _____

Birth Country: _____ Birth State: _____

Birth County: _____ Birth City: _____ Date of Birth: _____

Father's 1st Name: _____ Middle: _____ Last: _____

Father is deceased: If checked, skip the next two questions.

Father's Residence State: _____ Father's Residence City: _____

Father's Birth Country: _____ Father's Birth State: _____

Mother's 1st Name: _____ Middle: _____ Maiden Surname: _____

Mother is deceased: If checked, skip the next two questions.

Mother's Residence State: _____ Mother's Residence City: _____

Mother's Birth Country: _____ Mother's Birth State: _____

Spouse 2's Race: _____ Highest level of Education: _____ Sex: M F

Number of this Marriage: _____

If not 1st marriage, then last marriage terminated by: Divorce Death Unknown

Previous Spouse First Name: _____ Previous Spouse Maiden Surname: _____

Date of Divorce/Death: _____ State: _____ County: _____