



How to obtain a

Marriage License

in Massachusetts

From the Office of
Carole B. Marple, CMMC
Sherborn Town Clerk
19 Washington Street
Sherborn, Massachusetts 01770
508-651-7854
Fax: 508-651-0407
Carole.Marple@sherbornma.org

Office Hours: Monday - Thursday from 8 a.m. to 12 p.m.
additional times available by appointment

All people who marry in Massachusetts must have a marriage license issued in Massachusetts. An out-of-state license cannot be used. This publication outlines the procedures you must follow to obtain the license.

How to Apply for a License

How do we apply for a marriage license?

You must both apply in person for a marriage license. This requirement is applicable to both residents and non-residents of the Commonwealth. According to Massachusetts law, you must jointly file intentions to marry, and you may do so with the city or town clerk in any community in the state. If a person is in the military, intentions may be filed by either party, providing one is a Massachusetts resident. If a person is incarcerated in a county house of correction or a state

correctional facility, intentions may be filed by either party. A marriage license, once obtained, is valid for 60 days from the date intentions are filed and may be used in any Massachusetts city or town. It is not valid outside the state.

Waiting Period

Is there a waiting period from the date of application to the date the license is issued?

Yes, there is a mandatory three-day waiting period. While Sundays and holidays are included in the three days, the day the application is made is not. For example, if you apply on Friday, your license will be issued on or after Monday. Check with your town clerk to determine whether you must pick it up in person, or if it can be mailed.

Obtaining a Waiver of the Waiting Period

May we marry before the three days for good reason?

Yes, if you can obtain a court waiver after filing intentions. According to MGL Ch. 207:30, if both parties are residents, or non-residents, or one of each, and they need to dispense with the three days, they may do so by applying to the judge of a probate or district court to have the license issued without delay, after filing intentions with the clerk. Under extraordinary or emergency circumstances, such as if the death of either party is imminent or the female is nearing the end of her pregnancy, an authorized request by a minister or clergyperson or an attending physician shall suffice and the clerk can issue the certificate without delay.

How do we obtain a waiver?

You should file your intentions first with any city or town clerk. Then an application for a waiver must be filed by both of you at a probate or district court. After a hearing, the court may issue a certificate allowing the marriage license to be issued, and the marriage performed without delay.

Cost of License

What is the cost of a marriage license?

At the Sherborn Town Clerk's office the fee is \$25 which includes a certified copy of the marriage certificate mailed to you after the wedding. (Checks should be made payable to the *Town of Sherborn*.) Fees in most communities range between \$4 and \$25 dollars. The state statute stipulates a fee of \$4 for the license but it allows cities and towns by a vote of their city councils, boards of selectmen or town meeting, or by a change in the by-laws, to set their own fee.

Age Requirement

At what age may a man or woman marry?

A Massachusetts resident may marry if he or she is 18 years of age or older. A birth certificate may be required to show proof of age.

What if one or both of us is under 18?

If either party is under 18, a court order from a probate or district court where the minor resides must be obtained before the marriage intentions can be filed.

Medical Certificates

Is a medical certificate required before a license can be issued?

No. As of January 28, 2005 Medical Certificates are no longer required in Massachusetts.

Divorced and Widowed Applicants

What if one or both of us had been divorced?

You are not required to present a divorce certificate when filing intentions to marry. However, it is extremely important that an individual who has been divorced be certain that his/her divorce is absolute. If you are uncertain as to the absolute date of your divorce, you should contact the court where the divorce was granted. In Massachusetts, a divorce does not become absolute until 90 days after the divorce nisi has been granted, regardless of the grounds for divorce.

Is there any special requirement for a widow or widower who is remarrying?

No.

Witnesses to Ceremony

Do we need any witnesses present at the ceremony?

Massachusetts statute does not require that witnesses be present at your ceremony. However, if a member of the clergy performs the ceremony, you should ensure that you are in conformity with the appropriate religious tenets.

Clergy Persons and Justices of the Peace

What are the responsibilities of the member of the clergy or the justice of the peace?

The member of the clergy or justice of the peace must complete and sign the original license and return it to the clerk of the city or town where the license was issued.

What should be done if an out-of-state member of the clergy is to perform the marriage?

If an out-of-state member of the clergy is to perform the marriage, the clergyperson must obtain a Certificate of Authorization from the Massachusetts Secretary of the Commonwealth prior to the ceremony. This certificate, which is issued by the Public Records Division of the Secretary of the Commonwealth, is to be attached to the original license and returned to the clerk of the city or town where the license was issued. For further information, contact:

Division of Public Records
Secretary of the Commonwealth
One Ashburton Place, Room 1719
Boston, MA 02108
(617) 727-2836

Is it possible for a layperson to solemnize a wedding?

Yes, it is possible for a non-minister or non-justice of the peace (such as a relative or family friend) to obtain special one-time permission to perform a marriage. The Governor may designate any other person to solemnize a particular marriage on a particular date and in a particular city or town, and may for cause at any time revoke such designation. Upon application, approval, and receipt of the letter of designation, a registration fee of \$25 is then paid to the Office of the Secretary of the Commonwealth, through the Public Records Division, to receive the Certificate of Solemnization. The entire process takes approximately 4 -6 weeks. The bride and groom must then turn in this Certificate of Solemnization with their marriage certificate to their local city/town hall. Information About One Day Designations and an application can be downloaded, here: <http://www.state.ma.us/sec/pre/prepdf/onedayspecdes.pdf>. Return the completed application to:

Office of the Governor
State House, Room 280
Boston, MA 02133
Attn: Appointments Office

The application can also be returned via fax at (617) 727-8136.
For more information, please contact the Governor's Appointments Office at (617) 725-4080, ext. 35339.

More Information

Are there any special requirements if one applicant is an immigrant?

If either of the parties has arrived as an immigrant from a foreign country within five days, the application may be filed at any time before the marriage, and the certificate shall be issued at any time after the filing.

Where can we go for additional assistance?

You may contact your city or town clerk, or:

Registry of Vital Records and Statistics
Department of Public Health
150 Mt. Vernon Street
Boston, MA 02125-3105
(617) 740-2600
www.state.ma.us/dph/bhsre/rvr/rvr.htm
vital.recordrequest@state.ma.gov

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William Francis Galvin
Secretary of the Commonwealth

Citizen Information Service
One Ashburton Place, Room 1611
Boston, Massachusetts 02108
Telephone: 617-727-7030
Toll-free: 1-800-392-6090 (*in Mass. only, TTY also*)
TTY: 617-878-3889
Fax: 617-742-4528
E-mail: cis@sec.state.ma.us
Website: www.state.ma.us/sec/cis