

## MEMORANDUM

**To:** Alabama Clergy  
**From:** The Rt. Rev. Russell Kendrick  
**Re:** Amendments to Alabama Marriage Act effective August 29, 2019  
**Date:** January 7, 2020

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The amendments to the Alabama statutes regarding marriage that became effective on August 29, 2019 (the “Act”) provide that, on or after that date, the only requirement for a marriage in Alabama shall be for parties who are otherwise legally authorized be married to enter into a marriage as provided in the Act. Section 30-1-9.1(a) of the Alabama Code 1975. Alabama no longer issues marriage licenses and there is no requirement of a ceremony. This memorandum summarizes research of the Diocesan Chancellor for Alabama, Kathy Miller, in regard to application of the Act in light of the Canons regarding the solemnization of marriage.

Section 30-1-9.1(b) provides that the parties execute a “marriage document” containing the information specified in the Act including a notarized affidavit from each party declaring that the party is not currently married, is at least 18 years of age (or if at least age 16 and under age 18 has the consent of a parent or guardian), is legally competent to enter into marriage, is not related by blood or adoption to the other party such that the marriage would violate Section 13A-13-3; and is entering into the marriage voluntarily and of his or her own free will and not under duress or undue influence.

Section 22-9A-17(a) provides that persons desiring to marry in Alabama must submit the forms, data and affidavits specified in the Act and that “the recording of the affidavits, forms and data establishes legal recognition of the marriage as of the date the affidavits and forms were properly signed by the two parties so long as such documentation was provided to the probate office within 30 days of the signatures of the parties.”

Section 30-1-9.1(h) provides that the Alabama Law Institute in collaboration with the Department of Public Health shall prepare a form to meet the requirements of the Act. The “Alabama Marriage Certificate” form and form for minors (“Marriage Certificate”), copies of which are attached and are available online, include an affidavit for each party which must be executed and notarized. The form for minors includes an Affidavit of Consent for Marriage of a Minor which must be signed by one parent or guardian of each party who is under age 18 but at least age 16 and must be notarized. The Attorney General of the State of Alabama has given an opinion that the use of the Marriage Certificate form is mandatory. (Opinion issued to the Honorable Don Davis dated August 28, 2019).

Section 30-1-9.1(c) specifically provides that “A marriage conforming to the requirements of this section shall be valid on the date the marriage is executed by both parties, provided the affidavits, forms and data are recorded in the office of the judge of probate within thirty (30) days of the date of the last party’s signature in accordance with Section 22-9A-17.” In other words, a marriage is legally recognized by the State as of the date that the Marriage Certificate has been signed by both parties, if the notarized certificate is delivered to the office of the judge of probate for recording with the filing fee within thirty days after the last party’s signature.

The Act provides that

A civil and independent or religious ceremony of marriage, celebration of marriage, solemnization of marriage, or any other officiation, or administration of the vows of marriage may be conducted or engaged in by the parties by an officiant or other presiding person to be selected by the persons entering into the marriage. The state shall have no other requirement for any ceremony or proceeding and whether or not a ceremony or proceeding is performed or not performed shall have no legal effect on the validity of the marriage.

§30-1-9.1(d)(emphasis supplied).

The Canons of the Episcopal Church provide in part that:

Every Member of the Clergy of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also these canons concerning the solemnization of marriage. ...

Canon I.18.1. Canon I.18.3(a) also provides that, prior to the solemnization, the Member of the Clergy shall determine, among other enumerated items, "... that both parties have the right to marry according to the laws of the State..."

While the Act does not require a ceremony and states that whether or not a ceremony is performed or not performed shall have no legal effect on the validity of the marriage, in following the Canons of the Church with respect to "conforming to the laws of the State governing the creation of the civil status of marriage," a Member of the Clergy would appear to need to confirm that (1) the signature of each party on the marriage certificate form has been notarized on or before the date of a ceremony because the date that the last party's signature is notarized establishes the legal date of the marriage and (2) the fully executed and notarized form and recording fee either (a) previously has been delivered to

the office of the probate judge, or (b) will be delivered to the office of the probate judge within thirty days of the last signature.

Some parties may choose to complete the process of recording the Marriage Certificate prior to the ceremony and present a certified copy to the priest. We have been advised that when the completed and notarized Marriage Certificate is delivered to the Probate Court of Mobile County, for example, the parties will be able to obtain a certified copy of the Marriage Certificate on the same day reflecting that the Marriage Certificate has been delivered to the office of the probate judge.

If the parties desire to have the legal date of their marriage be the same date as the solemnization of their marriage, at the discretion of the Member of the Clergy, they could either present a Marriage Certificate form signed by the last party and notarized on the day of the ceremony or, perhaps, could make arrangements for a notary to be present to notarize both signatures in conjunction with the ceremony in the manner that the parties previously signed the marriage license in the presence of the Member of the Clergy. If the parties choose to execute and notarize the last or both signatures on the date of the ceremony, it would appear that the Member of the Clergy would need to mail the completed Marriage Certificate and the recording fee (\$70.00 in Mobile County, payable by cash, money order or credit card) to the office of the probate judge to ensure that the Marriage Certificate and filing fee are submitted within 30 days after the last signature was executed as required for the marriage to be valid. (While the Act does not specify whether or not submission of the form must be in person, the Attorney General's August 28, 2019 opinion issued to Judge

Davis states that the Marriage Certificate and fee may be submitted to the office of the probate judge either personally or through the mail).

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**State of Alabama**  
**DEPARTMENT OF PUBLIC HEALTH**  
**Instructions for Completing and Filing an Alabama Marriage Certificate (for Adults)**

Effective August 29, 2019, the process for entering into a legal marriage in Alabama changes, pursuant to Alabama Act 2019-340. Under the new law, persons wishing to become married are no longer required to file an application for a marriage license with the county probate court, and the courts will no longer issue marriage licenses. The Alabama Marriage Certificate form should now be completed by the persons entering into marriage and delivered to the probate court for recording. Once properly completed and recorded by the probate court, the marriage is legal. A wedding ceremony may be performed, but a ceremony is no longer required for a recognized marriage in Alabama.

**IT IS IMPORTANT THAT YOU FOLLOW THE INSTRUCTIONS BELOW. FAILURE TO PROPERLY COMPLETE THE FORM AND DELIVER IT TO THE PROBATE COURT WITHIN THE TIME REQUIRED MAY AFFECT THE VALIDITY OF YOUR MARRIAGE.**

This form appears in fillable pdf format and may be printed once all required fields have been completed. Persons without computer access may be able to obtain printed copies of the form for completion by hand from some county probate courts. **HANDWRITTEN FORMS SHOULD BE PRINTED AND LEGIBLE. THIS IS THE ONLY DOCUMENT YOU WILL RECEIVE AS PROOF OF YOUR MARRIAGE.**

1. Spouse 1 should complete Blocks 1 through 12 and Block 34, providing all of the requested information, and mark the appropriate block to the left as "Groom," "Bride," or "Spouse." **Be sure to enter the Social Security Number for Spouse 1 in Block 34. The Social Security Number will not appear on certified copies of the Marriage Certificate.**
2. Spouse 2 should complete Blocks 13 through 24 and Block 35, providing all of the requested information, and mark the appropriate block to the left as "Bride," "Groom," or "Spouse." **Be sure to enter the Social Security Number for Spouse 2 in Block 35. The Social Security Number will not appear on certified copies of the Marriage Certificate.**
3. Prepare to print the Marriage Certificate form. Check your printer settings to ensure that the printer is set to print as actual size, not "fit to page" or another modified size. The entire form should be printed on one page (front side only) of 8.5 x 11 inch white or light paper.
4. Spouse 1 should sign and date the printed form in Block 25. Spouse 1's signature must be witnessed by a notary in Block 29, and the notary must place his/her notary seal on the form in Block 27. **Information on the form cannot be changed or added once the form has been notarized.**
5. Spouse 2 should sign and date the printed form in Block 26. Spouse 2's signature must be witnessed by a notary in Block 30, and the notary must place his/her notary seal on the form in Block 28. **Information on the form cannot be changed or added once the form has been notarized.**
6. By signing the form, each spouse is affirming that all of the following are true: he/she is not currently married; he/she is legally competent to enter into a marriage; the spouses are not related by blood or adoption such that the marriage would violate §13A-13-3, Code of Alabama, 1975; he/she is entering into the marriage voluntarily and of his/her own free will and not under duress or undue influence; and he/she is 16 years of age or older.
7. **Blocks 31 through 33 are for court use only. DO NOT MARK IN OR COMPLETE BLOCKS 31 THROUGH 33.**
8. The original completed, signed, and notarized form must be delivered to an Alabama county probate court for recording **within 30 days of the latter of the dates of the spouses' signatures**. See the Frequently Asked Questions for further information.
9. You must pay the required recording fee to the judge of probate at the time you present your form to the probate court. You may request a certified copy from the court when you record your Marriage Certificate (an additional fee may be imposed by the court for certified copies). The probate court will keep the original form and forward the certificate to the Alabama Department of Public Health, Center for Health Statistics. The Center for Health Statistics will file and maintain the certificate in its records.

**State of Alabama**  
**DEPARTMENT OF PUBLIC HEALTH**  
**Instructions for Completing and Filing an Alabama Marriage Certificate (for Adults)**

10. Once the certificate has been received and filed by the Center for Health Statistics, you may request additional certified copies of the certificate in person at any Alabama county health department. For instructions on how to request certified copies of the certificate in person, online, by mail, or by phone, visit the Department's website at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>.
  
11. **If properly recorded by the probate court within 30 days of the latter of the dates of the spouses' signatures, THE EFFECTIVE DATE OF THE MARRIAGE IS THE LATTER OF THE DATES OF THE SPOUSES' SIGNATURES.**

Questions? Consult the Frequently Asked Questions at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>, or you may call the Center for Health Statistics at (334) 206-2714.

# Alabama Marriage Certificate

ADPH-HS-50/Rev. 8/2019

State File Number **101**

<b>SPOUSE 1 INFORMATION</b>  <input type="checkbox"/> GROOM <input type="checkbox"/> BRIDE <input type="checkbox"/> SPOUSE	1. NAME:      First                      Middle                      Last			2. LAST NAME PRIOR TO FIRST MARRIAGE	3. DATE OF BIRTH (Month, Day, Year)
	4. SEX (Male or Female)	5. RACE (Specify American Indian, Black, White, etc.)	6. RESIDENCE COUNTY		7. RESIDENCE STATE
	8. NO. OF PREVIOUS MARRIAGES	9. IF PREVIOUSLY MARRIED, REASON LAST MARRIAGE ENDED – (Specify Death, Divorce, Dissolution, Annulment)		10. STATE OR FOREIGN COUNTRY OF BIRTH	
	11. FATHER/PARENT NAME (First, Middle, Last Name Prior to First Marriage)			12. MOTHER/PARENT NAME (First, Middle, Last Name Prior to First Marriage)	

<b>SPOUSE 2 INFORMATION</b>  <input type="checkbox"/> GROOM <input type="checkbox"/> BRIDE <input type="checkbox"/> SPOUSE	13. NAME:      First                      Middle                      Last			14. LAST NAME PRIOR TO FIRST MARRIAGE	15. DATE OF BIRTH (Month, Day, Year)
	16. SEX (Male or Female)	17. RACE (Specify American Indian, Black, White, etc.)	18. RESIDENCE COUNTY		19. RESIDENCE STATE
	20. NO. OF PREVIOUS MARRIAGES	21. IF PREVIOUSLY MARRIED, REASON LAST MARRIAGE ENDED – (Specify Death, Divorce, Dissolution, Annulment)		22. STATE OR FOREIGN COUNTRY OF BIRTH	
	23. FATHER/PARENT NAME (First, Middle, Last Name Prior to First Marriage)			24. MOTHER/PARENT NAME (First, Middle, Last Name Prior to First Marriage)	

**AFFIDAVITS OF SPOUSES**      Our notarized signatures below affirm that neither of us is currently married, each of us is legally competent to enter into a marriage, and we are not related by blood or adoption such that the marriage would violate §13A-13-3, Code of Alabama, 1975. Each of us is entering into the marriage voluntarily and of our own free will and not under duress or undue influence, and we are 16 years of age or older. **THE EFFECTIVE DATE OF THE MARRIAGE IS THE LATTER OF THE DATES OF OUR SIGNATURES BELOW.**

25. SPOUSE 1 SIGNATURE: _____ DATE: _____	26. SPOUSE 2 SIGNATURE: _____ DATE: _____
27. NOTARY SEAL:	28. NOTARY SEAL:
My Commission expires: _____	My Commission expires: _____
29. NOTARY SIGNATURE: _____ DATE: _____	30. NOTARY SIGNATURE: _____ DATE: _____

**FOR MARRIAGE TO BE VALID, THIS FORM MUST BE DELIVERED TO PROBATE COURT FOR RECORDING WITHIN 30 DAYS OF THE LATTER OF THE DATES OF THE SPOUSES' SIGNATURES.**      **If either or both parties to the marriage are under the age of 18, but at least 16 years of age, and have not been previously married, the consent of a parent or guardian is required. The consenting parents/guardians must complete and attach the Affidavit of Consent to this marriage certificate. Both pages must be presented together to the probate court in order for the marriage to be valid.**

<b>TO BE COMPLETED BY PROBATE COURT</b>	31. DATE RECEIVED BY PROBATE COURT	32. BOOK/PAGE/INSTRUMENT NUMBER	33. COUNTY OF RECORDING PROBATE COURT
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DO NOT STAMP BELOW LINE

34. SPOUSE 1 SOCIAL SECURITY NUMBER	35. SPOUSE 2 SOCIAL SECURITY NUMBER	<b>THIS INFORMATION WILL NOT APPEAR ON CERTIFIED COPIES</b>
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**State of Alabama**  
**DEPARTMENT OF PUBLIC HEALTH**  
**Instructions for Completing and Filing an Alabama Marriage Certificate (for Minors)**

Effective August 29, 2019, the process for entering into a legal marriage in Alabama changes, pursuant to Alabama Act 2019-340. Under the new law, persons wishing to become married are no longer required to file an application for a marriage license with the county probate court, and the courts will no longer issue marriage licenses. The Alabama Marriage Certificate form should now be completed by the persons entering into marriage and delivered to the probate court for recording. Once properly completed and recorded by the probate court, the marriage is legal. A wedding ceremony may be performed, but a ceremony is no longer required for a recognized marriage in Alabama.

**IT IS IMPORTANT THAT YOU FOLLOW THE INSTRUCTIONS BELOW. FAILURE TO PROPERLY COMPLETE THE FORM AND DELIVER IT TO THE PROBATE COURT WITHIN THE TIME REQUIRED MAY AFFECT THE VALIDITY OF YOUR MARRIAGE.**

This form appears in fillable pdf format and may be printed once all required fields have been completed. Persons without computer access may be able to obtain printed copies of the form for completion by hand from some county probate courts. **HANDWRITTEN FORMS SHOULD BE PRINTED AND LEGIBLE. THIS IS THE ONLY DOCUMENT YOU WILL RECEIVE AS PROOF OF YOUR MARRIAGE.**

1. Spouse 1 should complete Blocks 1 through 12 and Block 34, providing all of the requested information, and mark the appropriate block to the left as "Groom," "Bride," or "Spouse." **Be sure to enter the Social Security Number for Spouse 1 in Block 34. The Social Security Number will not appear on certified copies of the Marriage Certificate.**
2. Spouse 2 should complete Blocks 13 through 24 and Block 35, providing all of the requested information, and mark the appropriate block to the left as "Bride," "Groom," or "Spouse." **Be sure to enter the Social Security Number for Spouse 2 in Block 35. The Social Security Number will not appear on certified copies of the Marriage Certificate.**
3. Prepare to print the Marriage Certificate form. Check your printer settings to ensure that the printer is set to print as actual size, not "fit to page" or another modified size. The form should be printed (front side only) on 8.5 x 11 inch white or light paper.
4. Spouse 1 should sign and date the printed form in Block 25. Spouse 1's signature must be witnessed by a notary in Block 29, and the notary must place his/her notary seal on the form in Block 27. **Information on the form cannot be changed or added once the form has been notarized.**
5. Spouse 2 should sign and date the printed form in Block 26. Spouse 2's signature must be witnessed by a notary in Block 30, and the notary must place his/her notary seal on the form in Block 28. **Information on the form cannot be changed or added once the form has been notarized.**
6. By signing the form, each spouse is affirming that all of the following are true: he/she is not currently married; he/she is legally competent to enter into a marriage; the spouses are not related by blood or adoption such that the marriage would violate §13A-13-3, Code of Alabama, 1975; he/she is entering into the marriage voluntarily and of his/her own free will and not under duress or undue influence; and he/she is 16 years of age or older.
7. **Blocks 31 through 33 are for court use only. DO NOT MARK IN OR COMPLETE BLOCKS 31 THROUGH 33.**
8. If one or both of the spouses is/are under the age of 18, but at least 16 years of age, and have not been previously married, the consent of a parent or legal guardian for that spouse is required. The consenting parent(s) or guardian(s) must complete page 2 (Affidavit of Consent for Marriage of a Minor) by printing the name(s) of the minor spouse(s) in Blocks 36 and/or 37, signing and dating the form in Blocks 38 and/or 39, and printing their names in Blocks 40 and/or 41. Their signatures must be witnessed by a notary in Blocks 44 and/or 45, and the notary must place his/her notary seal on the form in Blocks 42 and/or 43. The Affidavit of Consent for Marriage of a Minor must be presented to the probate court at the same time that page 1 of the certificate (completed and signed by the spouses) is delivered to the court in order for the marriage to be valid.

**State of Alabama**  
**DEPARTMENT OF PUBLIC HEALTH**  
**Instructions for Completing and Filing an Alabama Marriage Certificate (for Minors)**

9. The original completed, signed, and notarized form must be delivered to an Alabama county probate court for recording **within 30 days of the latter of the dates of the spouses' signatures**. See the Frequently Asked Questions for further information.
10. You must pay the required recording fee to the judge of probate at the time you present your form to the probate court. You may request a certified copy from the court when you record your Marriage Certificate (an additional fee may be imposed by the court for certified copies). The probate court will keep the original form and forward the certificate to the Alabama Department of Public Health, Center for Health Statistics. The Center for Health Statistics will file and maintain the certificate in its records.
11. Once the certificate has been received and filed by the Center for Health Statistics, you may request additional certified copies of the certificate in person at any Alabama county health department. For instructions on how to request certified copies of the certificate in person, online, by mail, or by phone, visit the Department's website at <http://www.alabamapublichealth.gov/vitalrecords/marriage-certificates.html>.
12. **If properly recorded by the probate court within 30 days of the latter of the dates of the spouses' signatures, THE EFFECTIVE DATE OF THE MARRIAGE IS THE LATTER OF THE DATES OF THE SPOUSES' SIGNATURES.**

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# Affidavit of Consent for Marriage of a Minor

ADPH-HS-50C/Rev. 8/2019

State File Number **101**

## AFFIDAVITS OF CONSENT

This form must be completed and attached to page 1 of the marriage certificate if either or both parties to the marriage are under the age of 18, but at least 16 years of age, and have not been previously married. Such notarized signature(s) below of the parent(s) or guardian(s) of the minor(s) to the marriage constitutes consent.

36. PRINTED NAME OF SPOUSE 1 (IF MINOR):

37. PRINTED NAME OF SPOUSE 2 (IF MINOR):

38. SIGNATURE OF CONSENTING PARENT/GUARDIAN FOR SPOUSE 1:   DATE:

39. SIGNATURE OF CONSENTING PARENT/GUARDIAN FOR SPOUSE 2:   DATE:

40. PRINTED NAME OF CONSENTING PARENT/GUARDIAN FOR SPOUSE 1:

41. PRINTED NAME OF CONSENTING PARENT/GUARDIAN FOR SPOUSE 2:

42. NOTARY SEAL:

43. NOTARY SEAL:

My Commission expires:

My Commission expires:

44. NOTARY SIGNATURE:

DATE:

45. NOTARY SIGNATURE:

DATE:

**BOTH PAGES OF MARRIAGE CERTIFICATE MUST BE PRESENTED  
TOGETHER TO THE PROBATE COURT IN ORDER FOR THE MARRIAGE TO BE VALID.**