

# STATE OF IOWA

## MARRIAGE LICENSE INSTRUCTIONS

*IT IS THE RESPONSIBILITY OF APPLICANTS TO READ THIS CAREFULLY BEFORE MAKING APPLICATION!*

### General Information:

**In Iowa**, marriage licenses may be applied for only from a County Registrar of Vital Records. These officials also perform County Recorder functions and have offices either in a county courthouse or county administration building.

- Marriage licenses issued in Iowa are valid ONLY for marriage ceremonies performed within the boundaries of the State of Iowa by authorized officiants as defined in Code of Iowa, ch. 595.10.
- All parties involved in the marriage ceremony must be in the same geographic location. At a minimum, the bride, the groom, the officiant, and two witnesses must be physically present. A license to marry must be obtained a minimum of three business days prior to the solemnization of the marriage.

**Marriages in Iowa** are between a male and a female who (1) are 18 years of age and older; (2) are not already or still legally married to someone else or each other; (3) are not closely related by blood or first cousins; (4) are legally competent to enter into a civil contract; (5) have obtained a license to marry in Iowa; and (6) are both physically together in front of an officiant with two witnesses during the solemnization.

- **Minors.** Persons aged 16 and 17 may only marry with special permission from a judge and should request a "Consent to Marriage of a Minor" form prior to making application for their marriage license. Complete the form and present it to a judge within the same judicial district as the county in which you wish your license issued. The Clerk of District Court office can provide additional information. Return the signed form to the County Registrar when making application to marriage.

**Persons who wish to marry in Iowa**, and who meet the above criteria, may complete an "Application for Marriage License in Iowa" form. All items on the application must be completed to process the request for a License to Marry, including the Affidavit of Competent and Disinterested Person on the reverse side of the application form.

- Applicants are NOT required to be U.S. citizens; however, all parties must provide satisfactory proof of identification to the notary public upon signing their application to marry.

**Applications may only** be obtained from a County Registrar's office, either in person or by mail.

- Applications can be returned by either of the marrying parties to the county in which the application and marriage certificate are to be filed. The county of license does NOT have to be the same county in Iowa in which the marriage ceremony takes place.

### Making Application:

1. **Bride and Groom.** Each of you should complete your own designated section on the front side of the application form and your social security number at the bottom. **Type or print legibly. Do NOT use all capital letters.**

2. **Legal Names.** List your current full legal names as your names before marriage. Include your surname prior to any marriage, if different. Also list your full legal names as they are to be after the marriage ceremony. The Application for the Marriage License in Iowa becomes legally binding upon filing with the County Registrar of Vital Records.

- Per chapter 595.5 of the Code of Iowa, applicants may adopt a legal name change through marriage, but may only have one legal name at any one time. Prior to the marriage ceremony, the application to marry cannot be modified in order to select a different name; however, the parties may make new application. After the, marriage ceremony and/or registration of the marriage certificate, a court order or another legal action is required to change the name unless an obvious typographical error from the application to marry can be proven.

- A name change acquired through marriage does not affect an individual's name as it appears on his or her birth certificate. The name on the birth certificate is traditionally referred to as the "maiden" name and is asked for when establishing a child's birth record, as well as a number of other confidential and/or legal documents. The "maiden" name of persons who have been adopted is their legal name after the adoption and that now appears on their birth certificate.

3. **Notarized Signatures.** Each party to the marriage application must sign in front of a commissioned notary public that is not a family member and follows all other criteria as required of notary publics. County Registrar's, by law, are authorized to provide notary public service for vital records purposes. You may also use another notary public service and return the Application for Marriage License form to the County Registrar in the county you wish your marriage records to be on file.

- By signing, you are attesting that the information you provided on the "Application for Marriage License in Iowa" is correct to the best of your knowledge and belief and that you are legally able to marry. The notary public is required by law to ask for satisfactory proof of identification that also has your previously signed signature on it. Parties to the marriage application are responsible for reporting accurate and true information, not the notary public or the County Registrar.

*(over)*

January 1, 2005

#### 4. Affidavit of Competent and Disinterested Person.

An individual of legal age who is acquainted with both parties who plan to marry is required to complete the affidavit on the back of the marriage application and sign it in front of a notary public. This person must be unbiased regarding the result of the pending marriage and competent to enter a civil contract. A family member may serve as the disinterested person if he or she meets these criteria.

5. **Fee.** The fee is due upon application for the License to Marry. Effective January 1, 2001, the fee is \$35.00 and includes a certified copy of the Certificate of Marriage. The fee is NOT refundable if the marriage does not occur.

- When the officiant files the marriage form in the county of license, the County Registrar will review and register the record. The bride and groom will then be issued a certified copy of their Certificate of Marriage in care of the couple's most current address as known by the Registrar's office.
- By law (ch. 595.13), the person who performed the ceremony (the officiant) is required to return the completed and signed certificate form within 15 days after the ceremony.
- If you know you'll need a certified copy of your marriage record right away, ask your officiant to submit the record for registration sooner. **By law, the County Registrar is not authorized to verify over the phone whether or not the record has been received for registration.**
- It is the sole responsibility of the bride and groom to provide the County Registrar with any updated mailing information. Updates should be made on the form provided for that purpose and issued with the License to Marry. Updates must be made in writing and signed.

#### License to Marry:

Once the county registrar of vital records receives the completed application, either the future bride or the groom may pick up the license any time after three business days. If the license is not picked up within six months from the date of application, the application is considered null and void.

<u>Application received on:</u>	<u>License ready to issue:</u>
Monday	Thursday
Tuesday	Friday
Wednesday	Monday
Thursday	Tuesday
Friday	Wednesday

Holidays may alter the above schedule. If the parties wish to waive the 3-day waiting period, they may request a waiver application form from the County Registrar. There is a \$5.00 fee payable to the County Registrar to waive the waiting period. Waivers must be approved and signed by a judge within judicial district of the county in which they are filing the marriage license. It is the parties responsibility to locate an appropriate judge through the Clerk of District Court office.

#### Special Circumstances:

Parties may ask the County Registrar about making special arrangements in certain circumstances concerning acquiring the application, license, or certified copy. The County Registrar has the authority and directive from the State Registrar to determine if the request is appropriate or to require evidentiary documents supporting the request.

#### The Ceremony:

1. **License to Marry.** The License to Marry may only be used after its "valid date." Present a copy to your officiant (i.e., person authorized by law to perform marriage ceremonies). The "license" is proof that proper Application to Marry in Iowa has been made. The license does **NOT** prove that the marriage event occurred.
2. **Certificate Form-** The County Registrar will also give you the original state copy of the Certificate of Marriage form. The person solemnizing your marriage must complete the lower portion of the form either during or immediately after your marriage ceremony. **Please write legibly in black ink to ensure an accurate recording of your marriage!** Sign the legal name you designated and notarized on your marriage application. Two persons present at the ceremony, as well as the officiant, must also sign the form and print their names. The signing witnesses must be of an age and competency to enter a civil contract themselves. Photocopies of the Certificate of Marriage prior to registration are prohibited.
3. **Registration.** Within 15 days after your marriage ceremony, your officiant (the person who married you) must file for registration the state copy of the Certificate of Marriage to the County Registrar of Vital Records that issued your marriage license. The officiant may **NOT** affix any kind of seal to the Certificate of Marriage or make a copy of it.
4. **Certified Copy.** Once registered, the County Registrar will issue you a certified copy of your Certificate of Marriage per the Code of Iowa (ch. 595.16A, effective January 1, 2001). The parties are responsible for including the Address Update form with the marriage record being returned for registration

Additional certified copies of the Certificate of Marriage record may be obtained from either the County Registrar in the county of license or from the state vital records office. As of January 1, 2005, the fee for a certified copy is \$15.00.

#### Name Change Notification:

You must change your name directly with businesses and government agencies (e.g., SSA, DOT) if you changed your legal name through marriage. Most organizations will ask to see the certified copy of your Certificate of Marriage record. There should be no cost involved.

Once you complete these transactions, put your certified copy away in a safe, protected location to avoid identity theft or damage to the safety paper (which would void your copy).