

## **Justice of the Peace**

Richard B. Jones, City Clerk is available to perform marriages inside and outside City Hall. Often, the wedding venue is the City Council Chamber located in City Hall, 60 Pleasant Street, Newburyport. The Chamber is an historic room built in 1851 that reflects the history of city with the original circular desk and treasured wall hangings. The room comfortably accommodates no more than 8 persons. Inside City Hall during regular office hours, the fee is \$100. Occasionally, the venue is outside of City Hall and is arranged by the wedding party. In order to schedule a wedding, please call the Clerk's Office at 978.465.4407.

## **How to Obtain a Marriage License**

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

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

Yes, there is a three-day waiting period. Your license will be available on the third calendar day after the day that you apply. For example, if you apply on a Friday, your license can be issued on or after Monday. Please note that licenses are not issued on Saturday or Sunday (when we are closed) unless special arrangements are made with the City Clerk.

*May we marry before the three days for good reason?*

Yes, if you can obtain a court waiver after filing intentions. How do we obtain a waiver? You should file your intentions first with any city 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.

*What is the cost of a marriage license?* The cost is \$30.00

*At what age may a man or a 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.

*What if one or both of us has 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 has been granted, regardless of the grounds for divorce.

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

No. 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. What are the responsibilities of the member of the clergy or 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 clergy person 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 where the license was issued. For further information, contact: Division of Public Records Secretary of the Commonwealth For more details See web site: <http://www.sec.state.ma.us/pre/premar/marone.htm>