

# Marriage Requirements & How to Obtain a Marriage License

## 1. Age Requirements and Consent

The minimum age for marriage in the Commonwealth of Virginia is sixteen (16) years for both the bride and groom; however, if either party is under eighteen (18), consent to the marriage must be given by the father, mother or legal guardian. This may be done in person by the parent or legal guardian before the person issuing the license, with proper identification or by written consent properly sworn to before a notary public. Special provisions are made in Virginia law to allow marriage for under age parties when the female is pregnant and for situations in which under age applicants have no parent or legal guardian.

## 2. Prohibited Marriages

- A marriage entered into prior to the dissolution of an earlier marriage of one or both parties.
- A marriage between an ancestor and or descendant; or between a brother and a sister; or between an uncle and a niece; or between an aunt and a nephew; whether the relationship is by half or the whole blood or adoption.
- When either of the parties lacks capacity to consent to the marriage because of mental incapacity or infirmity.
- "Common Law" marriages are not valid if entered into in Virginia or any other jurisdiction, which does not permit them for its residents.

## 3. License Requirements

- Blood Test - There is no blood test requirement for marriage in Virginia.
- Where to obtain license - A license for marriage in Virginia is issued by the clerk or his/her deputy clerk of a circuit court in any county or city in the Commonwealth of Virginia. The ceremony may be performed anywhere in the State. Applicants must, under oath, furnish information required to complete the marriage record. These items are material and the applicant may be subject to prosecution for perjury for violation of the portion of the statutes which requires this information. For divorced persons, there is no statutory waiting period before marriage after the divorce is granted unless remarriage is specifically prohibited by a court.

Time Limitations - The marriage must be performed within sixty (60) days after the license is issued. There is no waiting period required between application and issuance of the license and a couple may be married immediately after the issuance of a license.

- Fees - A fee of \$30 is charged by the clerk of court for issuing a marriage license. A fee of \$2.50 is charged to obtain a certified copy of the marriage license after the ceremony has been completed. Any person authorized to celebrate the rites of marriage shall be permitted to charge a fee not to exceed \$50 for each ceremony.
- Virginia issued license - The marriage license issued in Virginia is for marriages to be performed in Virginia ONLY.
- **Identification:** The Bride and Groom must be able to provide proper identification, which includes: Valid U.S. Driver's License, Valid Department of Motor Vehicles Issued Identification Card, Valid Passport, or Valid Military ID. **Persons unable to speak english must provide a certified interpreter to interpret for them before a license will be issued.**

#### **4. Marriage Ceremony**

- Who may perform? - A minister of any religious denomination must be authorized by a circuit court to celebrate the rites of matrimony. To obtain such authorization, the minister must produce proof of his ordination and regular communion with the religious society of which he is a reputed member. In addition, the court in each city and county has appointed persons who are eligible to perform civil marriage ceremonies. For marriages between persons belonging to any religious society which has no ordained minister, refer to Section 20-26, Code of Virginia, Domestic Relations.
- Witnesses - There is no statutory requirement that witnesses be present at the marriage ceremony.
- Marriage Record - The minister or other person officiating at the marriage must complete and sign the Marriage License (both copies) and forward both forms to the Clerk of the Court who issued the license within five (5) days after the ceremony is performed. One copy of the Marriage License is forwarded by the Clerk of the Court to the State Division of Vital Records. In addition to the forms to be returned to the clerk, the officiate may also prepare a "keepsake" certificate to be given to the newly married couple. If the minister or person who performs the marriage ceremony does not return both copies of the Marriage License to the Clerk of the Court who issued the license, there will be no record of the marriage in the courts or with the state.

#### **5. Certified Copies**

If a certified copy of the marriage is required, it may be obtained from the office of the Clerk of Court (cost-\$2.50) or from the Virginia Division of Vital Records in Richmond, Virginia, for a fee. When application is made for a copy of a marriage record from the Division of Vital Records, the following information should be included: full name of groom, full maiden name of bride, date and place of marriage and the name of the circuit court that issued the marriage license.