

# STATE OF IOWA

## MARRIAGE INSTRUCTIONS

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

### General Information:

In Iowa, a license to marry may be applied for only from a County Registrar. 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 Iowa Code section 595.10.
- All parties involved in the marriage ceremony must be in the same geographic location. At a minimum, the parties to be married, the officiant, and two witnesses must be physically present.

**Iowa law provides that marriage is a civil contract between two persons** who must be (1) 18 years of age or older; (2) not already or still legally married to someone else or to each other; (3) not closely related by blood or first cousins; and (4) legally competent to enter into a civil contract.

- **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 when 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 in order to complete the marriage application process.

**Persons who wish to marry in Iowa**, and who meet the above criteria, may complete an “Application to Marry in Iowa” form. All items on the application, **other than those marked optional**, must be completed to process the request for a License to Marry in Iowa, 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 can be returned by either of the applicants 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. **Each party** should complete your own designated section on the front side of the Application to Marry in Iowa and the confidential information 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 name as it appears on your birth certificate (i.e., your name prior to any marriage). Also list your legal names as they are to be after the marriage ceremony. Your legal names after marriage are determined when you complete the Application to Marry in Iowa, which is notarized and legally binding by law.
  - Per Iowa Code section 595.5, applicants may adopt a legal name change through marriage. However, an individual may only have one legal name at any one time. Once the name change takes effect after the marriage ceremony, a court order or another legal action is required to change it again, except for obvious typographical errors.
  - A name change acquired through marriage will not affect your name as it appears on your birth certificate. The name on the birth certificate is the name prior to any marriage and is asked for when establishing a child’s birth record. If you were adopted, your legal name after the adoption now appears on your birth certificate.
3. **Notarized Signatures.** Each party to the marriage application must sign in front of an authorized Notary Public that is not a family member and follows all other criteria required of notary publics. County Registrars, 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 to Marry in Iowa form to the County Registrar in the county you want your marriage record to be on file.
  - By signing, you are attesting that the information you provided on the “Application to Marry 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.
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. 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 Certificate of Marriage in the county of license, the County Registrar will review and register the record. The parties 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.
- Per Iowa Code section 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 as soon as possible after the ceremony. **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 parties 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 in Iowa. Updates must be made in writing and signed.

6. **Optional Sections: Bride/Groom/Spouse and Gender.** There are two optional sections on the Application to Marry in Iowa. The first allows each party to the marriage the option of designating a title – bride, groom, or spouse – to be included on the Certificate of Marriage. If you want to be referred to as either bride, groom or spouse on your Certificate of Marriage, check the box in front of your preferred designation. If you do not want to be referred to as bride, groom or spouse, then do not check any of the boxes, and none of those titles will be designated on your Certificate of Marriage.

The second optional field is gender. Gender is collected for statistical purposes so that accurate data regarding marriages performed in Iowa can be maintained. If you want to provide your gender, indicate "male" or "female" following "gender" on the Application to Marry in Iowa form. If you do not want to provide your gender, then do not fill in the gender section and your gender will not be indicated on your Certificate of Marriage.

### License to Marry:

Once the County Registrar receives the completed Application to Marry in Iowa, either of the parties to the application 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. The parties are responsible for locating a judge within the judicial district of the county in which they are filing the marriage license to grant the waiver.

### The Ceremony:

1. **License to Marry in Iowa.** The License to Marry in Iowa may 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 officiant must complete the lower portion of the form immediately after your marriage ceremony. **Please write legibly in black ink to ensure an accurate recording of your marriage!** Sign your legal name after marriage as 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 that issued your marriage license. The officiant may **NOT** affix any kind of seal to the Certificate of Marriage.
4. **Certified Copy.** Once registered, the County Registrar will issue you a certified copy of your Certificate of Marriage automatically per Iowa Code section 595.16A. 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. The current fee for certified copies is \$15.00.

The Certificate of Marriage and the Application to Marry in Iowa are public records available for inspection at the county level per Iowa Code section 144.43. However, your social security number is maintained as confidential and will not be released to the public.

### 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 in a safe, protected location to avoid identity theft or damage to the safety paper (which would void your copy).