

# State of Iowa Marriage License Instructions

*PLEASE READ CAREFULLY BEFORE MAKING APPLICATION*

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, chapter 595.10.** All parties involved in the marriage must be in the same geographic location. At a minimum, the bride, the groom, the officiant, and two witnesses must be physically present.

Marriages in Iowa are between a male and a female who are (1) 18 years of age and older; (2) not already or still legally married to someone else or each other; (3) not closely related by blood or first cousins; and (4) legally competent to enter into a civil contract. 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 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 be obtained from any County Registrar's office, either in person or by mail. Applications, however, must 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 of the form. **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., maiden name), if different. 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 for the Marriage License in Iowa, which is notarized and legally binding by law.

Per chapter 595.5 of the Code of Iowa, 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, unless an obvious typographical error can be proven.

A name change acquired through marriage does not affect an individual's name as it appears on their 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 notaries public. 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.

- 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. Money orders or cash are acceptable. Make money orders payable to: Cerro Gordo County Recorder.

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 (Chapter 595.13, Code of Iowa), 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 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.

- 6. Address. Send completed form to: Cerro Gordo County Recorder -220 N. Washington, Mason City, IA 50401.**

### Marriage License

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 application, the application is considered void.

#### Application received on:

Monday  
Tuesday  
Wednesday  
Thursday  
Friday

#### License ready to issue:

Thursday  
Friday  
Monday  
Tuesday  
Wednesday

Holidays may alter the above schedule slightly. 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 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.

### 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 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 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 had 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 the 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.

**4. Certified Copy.** Once registered, the County Registrar will issue you a certified copy of your Certificate of Marriage automatically 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. The current fee for certified copies is \$10.00.

#### **Social Security Card and Driver's License After Name Change:**

When you pick up your marriage certificate (prior to the marriage), you will be given an instruction sheet provided by the Social Security Administration (SSA) for persons who have changed their name through the marriage process. You will need to change your name on your social security records and have a new card issued to you. **There is no cost for this service.** The SSA, however, will ask to see a certified copy of your new Certificate of Marriage, along with their completed application form. Please follow their instructions as detailed in the leaflet. You will also need to take the certified copy to the Drivers' License station to have your name changed on your driver's license. Once the SSA and the DOT return the certified copy of your marriage certificate to you, keep it in a safe, protected location.

#### **NOTICE REQUIRED BY LAW**

**Per the Code of Iowa, section 595.3A, "The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse, and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."**

## **MARRIAGE APPLICATION FEES**

Marriage license applications may be completed in person at the Office of County Recorder/Registrar with the bride, the groom and an uninterested third party as a witness to the application present. All three parties will need to have photo i.d.'s with them. The witness must be at least 18 years of age. If all three parties are unable to appear together, the application can be completed elsewhere, signatures notarized and then returned to the Recorder/Registrar Office with the \$35.00 fee for processing.

There is a three business-day waiting period from the time the completed application is filed to the time the license is valid and available to be picked up.

The marriage application fee is \$35.00 and is to be made in cash or by money order. No checks are accepted. There is no credit card choice available. A processed certified copy is included in the fee, and will be mailed to the party after receipt and filing of the marriage certificate.