

# Massachusetts Marriage Officiant Guide

**Marriage Officiants:** Ordained ministers of the gospel may perform marriage ceremonies anywhere in Massachusetts. Before performing marriage ceremonies, Marriage Officiants are required to apply for a certificate from the Secretary of the Commonwealth's office. You must file a copy of your ordination credentials and a statement from the church stating that you are in good standing.

Ministers must keep records of all marriages they perform. Also, ministers must return a certificate of the marriage to the town clerk or registrar who issued the marriage license and to the town clerk of the town where the marriage was performed.

Procedure for clergy residing in Massachusetts: <http://www.sec.state.ma.us/pre/premar/masmarriage.htm>

Procedure for clergy *not* residing in Massachusetts: <http://www.sec.state.ma.us/pre/premar/marnon.htm>

## MARRIAGE LICENSE INFORMATION

*Much of the information below is state law in Massachusetts; however, this information can vary by location, and is subject to change. We recommend contacting your city or town clerk's office before applying for your marriage license.*

**ID Requirement:** A photo ID, such as a driver's license, is required for both parties to the marriage. You must know your Social Security numbers.

**Residency Requirement:** The parties to the marriage do not have to be residents of Massachusetts.

**Application Requirement:** Both parties to the marriage must appear in person at the time of applying.

NOTE: 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 in 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.



**If 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 nisi has been granted, regardless of the grounds for divorce.

**Waiting Period:** Three days. Sundays and holidays are included in the three days, but the day the application is made is not. For example, if you apply on Friday, your license will be issued on or after Monday. Check with your town clerk to determine whether you must pick it up in person, or if it can be mailed.

**Obtaining a Waiver of the Waiting Period:** According to MGL Ch. 207:30, if both parties are residents, or non-residents, or one of each, and they need to dispense with the requirement, they may do so by applying to the judge of a probate or district court to have the license issued without delay, after filing intentions with the clerk. Under extraordinary or emergency circumstances, such as if the death of either party is imminent or the female is nearing the end of her pregnancy, an authorized request by a minister or clergyperson or an attending physician shall suffice and the clerk can issue the certificate without delay.

**Fees:** \$4+ depending upon county or city/town (cash only). The state statute stipulates a fee of \$4 for the license, but it allows cities and towns (by a vote of their city councils, boards of selectmen or town meeting, or by a change in the bylaws) to set their own fee.

**Medical Certificate:** A medical certificate is necessary for each of you unless you obtain a request in writing from a member of the clergy or attending physician stating that the woman is near the termination of her pregnancy or the death of either party is imminent.

- You may obtain medical certificates from any physician licensed to practice in Massachusetts. Blank medical certificates for premarital tests may be obtained by medical practitioners and by out-of-state residents planning to marry in Massachusetts from:

Bureau of Communicable Disease Control  
Department of Public Health  
305 South Street  
Boston MA 02130

- To download the form, visit <http://www.state.ma.us/dph/cdc/std/divstd.htm>
- The Massachusetts Medical Society has a physician referral hotline: 1-800-322-2303

Medical certificates from other states are valid for both the man and the woman. However, it is the responsibility of the physician to offer the woman a voluntary test for susceptibility to rubella (German measles) and to discuss with each applicant AIDS educational material, facts which are now noted by the physician on the Massachusetts medical certificate form. If the out-of-state certificate does not contain these provisions, the out-of-state physician must note them in a separate letter, or a Massachusetts physician must complete those sections of the Massachusetts medical certificate which is then filed with the out-of-state certificate. In the case of out-of-state medical certificates, the city or town clerk has the authority to waive the requirements for the discussion of the AIDS educational material.

You may file intentions to marry without your medical certificates. However, the clerk cannot issue your marriage license until you have submitted the medical certificates. If you obtain the medical certificates prior to filing intentions, you must file intentions within 30 days or the medical certificates are no longer valid. Your marriage license, once obtained, is valid for 60 days from the date intentions are filed. Medical certificates which are obtained after the filing of intentions are valid for 60 days from the date intentions are filed, the length of time the marriage license itself is valid.

**Under Age 18:** 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.

NOTE: If either party to the marriage is under age 18, a court order from a probate or district court where the minor resides must be obtained before the marriage intentions can be filed.

**Miscellaneous:** If either of the parties has arrived as an immigrant from a foreign country within five days, the application may be filed at any time before the marriage, and the certificate shall be issued at any time after the filing.

**Same-Gender Marriage:** Permitted in Massachusetts as of May 17, 2004.

**Valid:** A Massachusetts marriage license is valid for 60 days from the date of issuance, and may only be solemnized in the Commonwealth.

***For additional information, please visit [FirstNationMinistry.org](http://FirstNationMinistry.org)***

*The above information is believed to be correct, but does not purport to be legal advice, is not all-inclusive and shall be used only as a guide. Under the terms specified in your ordination, you are solely responsible for becoming familiar with and complying to all current laws and regulations in effect within the jurisdiction in which you will conduct ceremonies.*

# Massachusetts General Laws

## Chapter 207 – Marriage.

### *Section 38 – Situs; Persons authorized.*

**Section 38.** A marriage may be solemnized in any place within the commonwealth by the following persons who are residents of the commonwealth: a duly ordained minister of the gospel in good and regular standing with his church or denomination, including an ordained deacon in The United Methodist Church or in the Roman Catholic Church; a commissioned cantor or duly ordained rabbi of the Jewish faith; by a justice of the peace if he is also clerk or assistant clerk of a city or town, or a registrar or assistant registrar, or a clerk or assistant clerk of a court or a clerk or assistant clerk of the senate or house of representatives, by a justice of the peace if he has been designated as provided in the following section and has received a certificate of designation and has qualified thereunder; an authorized representative of a Spiritual Assembly of the Baha'is in accordance with the usage of their community; a priest or minister of the Buddhist religion; a minister in fellowship with the Unitarian Universalist Association and ordained by a local church; a leader of an Ethical Culture Society which is duly established in the commonwealth and recognized by the American Ethical Union and who is duly appointed and in good and regular standing with the American Ethical Union; the Imam of the Orthodox Islamic religion; and, it may be solemnized in a regular or special meeting for worship conducted by or under the oversight of a Friends or Quaker Monthly Meeting in accordance with the usage of their Society; and, it may be solemnized by a duly ordained nonresident minister of the gospel if he is a pastor of a church or denomination duly established in the commonwealth and who is in good and regular standing as a minister of such church or denomination, including an ordained deacon in The United Methodist Church or in the Roman Catholic Church; and, it may be solemnized according to the usage of any other church or religious organization which shall have complied with the provisions of the second paragraph of this section.

Churches and other religious organizations shall file in the office of the state secretary information relating to persons recognized or licensed as aforesaid, and relating to usages of such organizations, in such form and at such times as the secretary may require.



# Commonwealth of Massachusetts

## Massachusetts Resident Clergy Form

In accordance with M.G.L. c. 207, § 38, a Massachusetts resident clergy member may perform marriages in Massachusetts after the following information is received by the Secretary of the Commonwealth's Commissions Section:

- a copy of the clergy member's ordination papers-if ordination is not applicable, a license or similar certificate issued by the religious organization will be accepted; and
- a letter of good standing from the leader of the religious organization on church letterhead.

PLEASE TYPE OR PRINT NEATLY

Clergy Member's full name: \_\_\_\_\_  
Title First Last

Clergy Member's full address: \_\_\_\_\_  
Street

**MA**

\_\_\_\_\_ City/Town State Zip

Religious Organization: **First Nation Church and Ministry** \_\_\_\_\_  
Name

**931 Tenth Street, Suite 451**

\_\_\_\_\_ Street

**Modesto** **CA** **95354-2305**

\_\_\_\_\_ City/Town State Zip

Please mail, fax or email this completed form, along with a copy of the clergy member's ordination papers and letter of good standing to:

William Francis Galvin, Secretary of the Commonwealth  
 Commissions Section  
 One Ashburton Place, Room 1719  
 Boston, MA 02108  
 (FAX) 617-727-5914  
 pre@sec.state.ma.us