

RELATIONSHIP

(RSA 457:1-3)

Marriage is not permitted in NH between people who are related by blood as first cousins or in any more direct lineage.

AGE

(RSA 457:4-9)

A male or female that has reached the age of 18 can marry without parental permission. A female between the age of 13 and 17 years and a male between the age of 14 and 17 years can be married only with the permission of their parent (guardian) and a waiver (See Waiver). A female below the age of 13 and a male below the age of 14 are not allowed to marry under any condition.

The above laws on age apply to NH residents or to non-residents who desire to marry NH residents. If both parties are non-residents and are below the age of 18 they can not be married in NH under any condition.

RESIDENCE REQUIREMENTS

(RSA 457:22)

To be married in NH you do not have to establish residency. A couple wishing to marry in the State of NH may complete a marriage application at any NH city/town clerk's office regardless of their place of residence. This includes out-of-state residents as well. Once a valid marriage license is issued, the couple will be free to marry within any city/town in New Hampshire.

FILING INTENTIONS

(RSA 457:22 and RSA 126:24)

Both parties must appear in person to file marriage intentions, as the signature of each applicant is required. However, if either party (or both) is a member of the armed forces, he or she shall forward an affidavit of marriage intentions, prepared by the armed services

legal representative, to the clerk if he or she can not appear in person.

All personal facts relative to the bride and groom and the parents of each shall be entered accurately on the application. Errors of falsification of any fact can cause great hardship to you at a later date and may make you liable for criminal prosecution.

Marriage License Fee. The marriage license fee is set by RSA 457:29 and payable to the clerk at the time the intentions are filed. Currently, the marriage license fee is \$45.00. Certified copies of the marriage certificate can be obtained for a fee from the City/Town Clerk where the license was filed.

ADDITIONAL DOCUMENTS REQUIRED

(RSA 457:23 and RSA 457:28-a)

Applicants. The applicants shall supply to the clerk, prior to the issuance of the marriage license, the following documents:

- proof of age;
- a certified copy of a death certificate of a former spouse, if applicant is widowed;
- a certified copy of a final divorce decree, if the applicant is divorced;
- a certified copy of an annulment decree, if the applicant's previous marriage was annulled.

Clerk. Prior to issuing a marriage license, the clerk shall supply the following brochures to the applicants:

- Fetal Alcohol Syndrome Brochure
- List of Family Planning Services
- AIDS Brochure -- Now That You've Decided to Get Married. (RSA 457:23,111, requires the signatures of the bride and groom on an affidavit located on the back of the license acknowledging that they have received and discussed the AIDS brochure.)

New Hampshire does not require a blood test.

LICENSE VALIDITY PERIOD

(RSA 457:26-27)

A city/town clerk may issue a marriage license to the applicants the same day of the application, provided all signatures and statutory requirements are met (i.e. proof of divorce or death of previous marriage). The license shall be valid for a period of not less than 3 days and not more than 90 days from the date of filing. The marriage license should clearly state the date the license becomes valid as well as the date of expiration. The officiant shall make note of these dates and under no circumstances shall the couple be married before the valid date or after the expiration date.

On application to a justice of the superior court, or a judge of probate within the county where the proposed marriage is to be solemnized, the court for good cause may order the validation date to be shortened. (see "Waivers")

WAIVERS

(RSA 457:6 and 27)

When "good/special" cause is shown waivers may be obtained which can alter certain requirements:

Party Under Age. When either of the applicants is not yet 18 years of age but meets the minimum age requirement (female 13-17 and male 14-17) he/she may request permission to marry from a justice of the superior court or a judge of probate of the county in which one of the applicants resides. The request shall be in writing and the parents or guardian of the applicant shall join in the request. The applicant requesting the age waiver shall be a resident of this state or marrying a resident of this state. ***No age waiver shall be granted to persons below the age of consent (18) if both parties are nonresidents.***

Shortening Period. On application to a justice of the superior court or justice of probate within the county where the proposed marriage is to be solemnized, the court for good cause shown may order that the period of 3 days provided in RSA 457:26 be shortened. ***No time***

waiver shall be granted if both parties and their parents are non-residents.

Waiver Fees. The waiver fees are payable to the superior court judge or the judge of probate and vary by county.

SOLEMNIZATION

(RSA 457:31, 31-a, 32, 33 and 37)

In NH marriages may be performed by:

- a justice of the Peace commissioned in NH;
- a minister of the gospel in NH who has been ordained according to the usage of his denomination, resides in NH, and is in regular standing with the denomination;
- a minister within his parish, residing outside NH, but having a pastoral charge wholly or partly in NH
- Jewish Rabbis who are citizens of the U.S. and reside in this state;
- Quakers;
- a deacon in the Roman Catholic Church ordained according to the usage of his denomination;
- clergymen who are not ordained and non-resident minister or Jewish Rabbis, **after being licensed by the Secretary of State.**

No one can marry him/herself. Witnesses are not required but permitted if desired.

After the marriage ceremony is performed the officiant will return the certificate to the city/town clerk of issuance. You will then need to contact the city/town clerk of issuance to obtain a certified copy of the certificate for a fee. The certified copy cannot be issued until the clerk has in his/her possession the completed copy of the certificate from the officiant. Permit adequate time (approximately two weeks) for this to take place before requesting this service.

Fee for Solemnizing: RSA 457:33 states: The persons joined in marriage by a minister or justice of the peace shall pay the minister or justice a minimum of \$5.

Secretary of State Special License: An unordained clergyman who is a resident of this state and who is a member of and engaged in the service of a

religious body which is chartered by the state if he presents a certification from that body that he is in its service may be issued a special license to perform marriage in Secretary of State.

An ordained minister who is a nonresident may obtain a special license from the Secretary of State authorizing him to marry a couple within NH. This special license for the nonresident minister is only valid for one particular marriage.

Jewish Rabbis who are citizens of the U.S., residing out-of-state, may obtain a special license from the Secretary of State, valid for one particular marriage.

Judges of the United states; RSA 457:32-a; states that the Secretary of State may issue a special license to a Judge of the United States residing in this state, or to a United States magistrate judge residing in this state pursuant to federal law. The fee will be \$25 for each such license. A copy of the special license and the marriage license will be held by the Secretary of State.

Questions and applications relative to special solemnization licenses should be addressed directly to the Secretary of State, State House, Room 204, Concord, NH 03301. Telephone (603-271-3242).

Secretary of State Fee: The special solemnization license fee is \$5; payable to the Secretary of State.

UNIFORM MARRIAGE RECOGNITION LAW

(RSA 457:43 and 44)

Residents: If any person residing and intending to continue to reside in this state is prohibited from contracting marriage under the laws of this state and goes into another jurisdiction and there contracts a marriage prohibited and declared void by the laws of this state, such marriage shall be null and void for all purposes in this state, with the same effect as though such prohibited marriage had been entered into in this state.

Nonresidents: No marriage shall be contracted in this state by a party residing and intending to continue to reside in another jurisdiction if such marriage would be voided if contracted in such other jurisdiction, and

every marriage contracted in this state in violation hereof shall be null and void.

If you have any questions contact your local clerk or this Bureau.

GOOD LUCK !!!!!

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