

How to obtain a *Marriage License* In Massachusetts

All people who marry in Massachusetts must have a marriage license issued in Massachusetts. An out-of-state license cannot be used. This handout outlines the procedures you must follow to obtain the license.

How do we apply for a marriage license?

You must **both apply in person** for a marriage license. 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 the person is in the military, either party may file intentions, providing one is a Massachusetts resident. If a person is incarcerated in a county house of correction or a state correctional facility, either party may file intentions. A marriage license, once obtained, is valid for 60 days from the date the intentions are filed and may be used in any Massachusetts city or town. It is not valid outside of the state.

Filing a Marriage Intention in Stow is by appointment only due to limited staffing.

Contact the [Town Clerk](#) by calling 978-897-4514 x1 to make an appointment.

- Both parties must be present to file the intention.**
- Mandatory 3 day Wait Period to issue license** - Unless a court waiver is obtained
- Filing Fee is \$25** - Includes the filing fee (\$15) and
1 certified copy of the completed certificate (\$10).
- Bring Birth Certificates for both parties.**

Is there a waiting period from the date of application to the date the license is issued?

Yes, there is a mandatory three-day waiting period. While Sundays and holidays are included in the three days, the day the application is made is not. For example, if you apply on a Friday, your license will be issued on or after Monday. You must pick it up in person.

May we marry before the three days for good reason?

Yes, if you can obtain a court waiver after filing intentions. 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 three days, 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 death of either party is imminent or the female is nearing the end of her pregnancy, an authorized request by a minister or clergyman or an attending physician shall suffice and the clerk can issue the certificate without delay.

How do we obtain a waiver?

You should file your intentions first with any city or town clerk. Then an application for a waiver must be filed by both of you at a probate or district court. After a hearing, the court may issue a certificate allowing the marriage license to be issued, and the marriage performed without delay.

What is the cost of a marriage license?

In Stow the fee is \$15 for a marriage license. The state 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 by-laws, to set their own fee.

At what age may a man or woman marry?

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.

What if one or both of us is under 18?

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

Is a medical certificate required before a license can be issued?

No, a medical certificate is not necessary.

What if one or both of us has been 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.

Is there any special requirement for a widow or widower who is remarrying?

No.

Do we need any witnesses present at the ceremony?

Massachusetts statute does not require that witnesses be present at your ceremony. However, if a member of the clergy performs the ceremony, you should ensure that you are in conformity with the appropriate religious tenets.

What are the responsibilities of the member of the clergy or justice of the peace?

The member of the clergy or justice of the peace must complete and sign the original license and return it to the clerk of the city or town where the license was issued.

What should be done if an out-of-state member of the clergy is to perform the marriage?

If the officiant is clergy from another state, a commission from the Governor of the Commonwealth of Massachusetts. The certificate must be applied for and granted before the marriage can take place. This commission must be attached to the original license and returned to the clerk of the city or town where the license was issued. For further information, contact: the Governor's office at (617) 725-4055. Or visit their website for instructions and to download the appropriate forms.

Is it possible for a layperson to solemnize a wedding?

Yes, if the officiant is a non-minister or non-justice of the peace (such as a relative or friend), a special one day certificate must be applied for by the Governor of the Commonwealth of Massachusetts. and granted by the Secretary of State. For further information, contact the Governor's office at (617) 725-4055. Or visit their website for instructions and to download the appropriate forms.

Are there special requirements if one applicant is an immigrant?

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.

Information taken from pamphlet published June 2000 by the Office of the Secretary of the Commonwealth.

Where can we go for additional assistance or information?

You may contact your city or town clerk, or you may call Citizen Information Service at 617-727-7030 or 800-392-6090 for additional information.