

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2:
License and Ceremony § § 19-3-42**

A marriage which is valid in other respects and supposed by the parties to be valid shall not be affected by want of authority in the minister, Governor or any former Governor of this state, judge, city recorder, magistrate, or other person to solemnize the same; nor shall such objection be heard from one party who has fraudulently induced the other to believe that the marriage was legal.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1:
General Provisions § § 19-3-1.1**

No common-law marriage shall be entered into in this state on or after January 1, 1997. Otherwise valid common-law marriages entered into prior to January 1, 1997, shall not be affected by this Code section and shall continue to be recognized in this state.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1:
General Provisions § § 19-3-1**

To constitute a valid marriage in this state there must be: (1) Parties able to contract; (2) An actual contract; and (3) Consummation according to law.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1:
General Provisions § § 19-3-2**

(a) To be able to contract marriage, a person must: (1) Be of sound mind; (2) Except as provided in subsection (b) of this Code section, be at least 18 years of age; (3) Have no living spouse of a previous undissolved marriage. The dissolution of a previous marriage in divorce proceedings must be affirmatively established and will not be presumed. Nothing in this paragraph shall be construed to affect the legitimacy of children; and (4) Not be related to the prospective spouse by blood or marriage within the prohibited degrees. (b) If either applicant for marriage is 16 or 17 years of age, parental consent as provided in Code Section 19-3-37 shall be required.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1:
General Provisions § § 19-3-3**

(a) Any person who marries a person to whom he knows he is related, either by blood or by marriage, as follows: (1) Father and daughter or stepdaughter; (2) Mother and son or stepson; (3) Brother and sister of the whole blood or the half blood; (4) Grandparent and grandchild; (5) Aunt and nephew; or (6) Uncle and niece shall be punished by imprisonment for not less than one nor more than three years. (b) Marriages declared to be unlawful under subsection (a) of this Code section shall be void from their inception.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1:
General Provisions § § 19-3-3.1**

(a) It is declared to be the public policy of this state to recognize the union only of man and woman. Marriages between persons of the same sex are prohibited in this state. (b) No marriage between persons of the same sex shall be recognized as entitled to the benefits of marriage. Any marriage

entered into by persons of the same sex pursuant to a marriage license issued by another state or foreign jurisdiction or otherwise shall be void in this state. Any contractual rights granted by virtue of such license shall be unenforceable in the courts of this state and the courts of this state shall have no jurisdiction whatsoever under any circumstances to grant a divorce or separate maintenance with respect to such marriage or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such marriage.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-4

To constitute an actual contract of marriage, the parties must consent thereto voluntarily without any fraud practiced upon either. Drunkenness at the time of marriage, brought about by art or contrivance to induce consent shall be held as fraud.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-5

(a) Marriages of persons unable to contract, unwilling to contract, or fraudulently induced to contract shall be void. However, the issue of such a marriage born before the marriage is annulled and declared void by a competent court shall be legitimate. (b) In the case of persons unwilling to contract or fraudulently induced to do so, a subsequent consent and ratification of the marriage, freely and voluntarily made, accompanied by cohabitation as husband and wife shall render the marriage valid. In the case of a marriage void on one of the grounds specified in paragraphs (1) through (3) of Code Section 19-3-2, after removal of the impediment to marriage, a subsequent free and voluntary consent and ratification of the marriage accompanied by cohabitation as husband and wife shall likewise render the marriage valid.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-6

Marriage is encouraged by the law. Every effort to restrain or discourage marriage by contract, condition, limitation, or otherwise shall be invalid and void, provided that prohibitions against marriage to a particular person or persons or before a certain reasonable age or other prudential provisions looking only to the interest of the person to be benefited and not in general restraint of marriage will be allowed and held valid.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-7

The policy of the law being opposed equally to restrictions on marriage and to marriages not the result of free choice, all contracts or bonds made to hinder or to force marriage are deemed fraudulent and void.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-8

Interspousal tort immunity, as it existed immediately prior to July 1, 1983, shall continue to exist on and after July 1, 1983.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-9

The separate property of each spouse shall remain the separate property of that spouse, except as provided in Chapters 5 and 6 of this title and except as otherwise provided by law.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 1: General Provisions § § 19-3-10

A married person may make contracts with other persons; but, when a transaction between a husband and wife is attacked for fraud by the creditors of either, the onus shall be on the husband and wife to show that the transaction was fair. If a husband or a wife has a separate estate and purchases property from persons other than his or her spouse, the onus shall be upon a creditor levying on such property as the property of the other spouse to show fraud or to show that the husband or wife did not have the means with which to purchase the property.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-30

(a) Marriage licenses shall be issued only by the judge of the probate court or his clerk at the county courthouse between the hours of 8:00 A.M. and 6:00 P.M., Monday through Saturday. (b) (1) No marriage license shall be issued to persons of the same sex. (2) If one of the persons to be married is a resident of this state, the license may be issued in any county of this state. If neither the male nor the female to be married is a resident of this state, the license shall be issued in the county in which the ceremony is to be performed. (c) The license shall be directed to the Governor or any former Governor of this state, any judge, including judges of state and federal courts of record in this state, city recorder, magistrate, minister, or other person of any religious society or sect authorized by the rules of such society to perform the marriage ceremony; such license shall authorize the marriage of the persons therein named and require the Governor or any former Governor of this state, judge, city recorder, magistrate, minister, or other authorized person to return the license to the judge of the probate court with the certificate thereon as to the fact and date of marriage within 30 days after the date of the marriage. The license with the return thereon shall be recorded by the judge in a book kept by such judge for that purpose. (d) The fact of issue of any unrecorded marriage license may be established by affidavit of either party to a ceremonial marriage, which affidavit shall set forth the date, the place, and the name and title of the official issuing the license. (e) In the event that any marriage license is not returned for recording, as provided in subsection (c) of this Code section, either party to a ceremonial marriage may establish the marriage by submitting to the judge of the probate court the affidavits of two witnesses to the marriage ceremony setting forth the date, the place, and the name of the official or minister performing the ceremony. The judge shall thereupon reissue the marriage license and enter thereon the certificate of marriage and all dates and names in accordance with the evidence submitted and shall record and cross-index same in the proper chronological order in the book kept for that purpose. (f) Any other provisions of this Code section or any other law to the contrary notwithstanding, the judge of the probate court of any county which has within its boundaries a municipality that has a population according to the United States decennial census of 1950 or any future such census greater than that of the county seat of the county is authorized to appoint a clerk for the purpose of granting marriage licenses in the municipality at an office designated by the judge. The licenses shall be issued only between the hours prescribed in subsection (a) of this Code section.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-30.1

(a) In applying for a marriage license, a man and woman who certify on the application for a marriage license that they have successfully completed a qualifying premarital education program shall not be charged a fee for a marriage license. The premarital education shall include at least six hours of instruction involving marital issues, which may include but not be limited to conflict management, communication skills, financial responsibilities, child and parenting responsibilities, and extended family roles. The premarital education shall be completed within 12 months prior to the application for a marriage license and the couple shall undergo the premarital education together. The premarital education shall be performed by: (1) A professional counselor, social worker, or marriage and family therapist who is licensed pursuant to Chapter 10A of Title 43; (2) A psychiatrist who is licensed as a physician pursuant to Chapter 34 of Title 43; (3) A psychologist who is licensed pursuant to Chapter 39 of Title 43; or (4) An active member of the clergy when in the course of his or her service as clergy or his or her designee, including retired clergy, provided that a designee is trained and skilled in premarital education. (b) Each premarital education provider shall furnish each participant who completes the premarital education required by this Code section a certificate of completion.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-31

Notwithstanding any other law, in all counties having a population in excess of 400,000 according to the United States decennial census of 1990 or any future such census or in counties where the county site is located in an unincorporated portion of the county, the judge of the probate court or his or her clerk shall be authorized to issue the marriage licenses provided for by Code Section 19-3-30 and to take and perform any and all other actions prescribed in Code Section 19-3-30 either at the courthouse located at the county site or at any permanent satellite courthouse within the county which has been established and constructed by the governing authority of the county and has been designated by the governing authority of the county as a courthouse annex or by similar designation has been established as an additional courthouse to the courthouse located at the county site.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-32

If any judge of the probate court or clerk issues a marriage license in violation of subsection (a) of Code Section 19-3-30, the judge or clerk, as the case may be, shall be guilty of a misdemeanor.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-33

(a) A marriage license shall be issued on written application therefor, made by the persons seeking the license, verified by oath of the applicants. The application shall state that there is no legal impediment to the marriage and shall give the full present name of the proposed husband and the full present name of the proposed wife with their dates of birth, their present addresses, and the names of the father and mother of each, if known. If the names of the father or mother of either are unknown, the application shall so state. The application shall state that the persons seeking the license have or have not completed premarital education pursuant to Code Section 19-3-30.1. If the application states that the

applicants seeking issuance of the license have completed premarital education, then the applicants shall submit a signed and dated certificate of completion issued by the premarital education provider.

(b) An application supplement-marriage report shall be prepared in connection with each marriage license. Except for the information in paragraph (3) of this subsection, the application supplement-marriage report shall be completed as a part of each application for a marriage license. The application supplement-marriage report shall state, at a minimum, the following: (1) The full name, date of birth, and social security number for each applicant; (2) The number this marriage would be for each applicant; and (3) After the ceremonial marriage has been performed, the date of the marriage ceremony and the county where the marriage ceremony occurred.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-34

(a) Except as provided in subsection (b) of this Code section, the application for a marriage license shall be filed in the office of the judge of the probate court before a marriage license shall be issued and shall remain in the permanent files in the office of the judge. It may be used as evidence in any court of law under the rules of evidence made and provided in similar cases. (b) The application supplement-marriage report form provided for in Code Section 19-3-33 shall be transmitted to the state registrar pursuant to Code Section 31-10-21. No original or duplicate application supplement-marriage report form need be retained by any official or employee of the probate court beyond the time required for transmission to the state registrar of vital records and confirmation of such transmission and receipt. While in the temporary custody of the probate court, application supplement-marriage report forms shall not be available for public inspection or copying or admissible in any court of law.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-35

When both applicants for a marriage license are eligible to receive that license pursuant to the other provisions of this chapter and that license is otherwise authorized to be issued pursuant to the other provisions of this chapter, that license may be issued immediately and without any waiting period.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-36

The judge of the probate court to whom the application for a marriage license is made shall satisfy himself or herself that the provisions set forth in Code Section 19-3-2 regarding age limitations are met. If the judge does not know of his or her own knowledge the age of a party for whom a marriage license is sought, the judge shall require the applicant to furnish the court with documentary evidence of proof of age in the form of a birth certificate, driver's license, baptismal certificate, certificate of birth registration, selective service card, court record, passport, immigration papers, alien papers, citizenship papers, armed forces discharge papers, armed forces identification card, or hospital admission card containing the full name and date of birth. In the event an applicant does not possess any of the above but appears to the judge to be at least 25 years of age, the applicant, in lieu of furnishing the judge with one of the above, may give an affidavit to the judge stating the applicant's age. Applicants who have satisfactorily proved that they have reached the age of majority may be issued a marriage license immediately.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2:
License and Ceremony § § 19-3-37**

(a) Definitions. As used in this Code section, the term: (1) "Guardian" shall be held to include the same relationships between spouses as the relationships described in paragraph (2) of this subsection between parents and means: (A) Any person at least five years older than the applicant standing in loco parentis to the applicant for at least two years; (B) Any person at least five years older than the applicant with whom the applicant has lived for at least two years and who has or would be allowed to claim the applicant as a dependent for the purposes of a federal dependent income tax deduction; (C) Any relative by blood or marriage at least five years older than the applicant and with whom the applicant has lived at least two years, when the whereabouts of the applicant's parents are unknown; or (D) A court appointed guardian. (2) "Parent" means: (A) Both parents if the parents are living together; (B) The parent who has legal custody if the parents are divorced, separated, or widowed; or (C) Either parent if the parents are living together but one parent is unavailable because of illness or infirmity or because he is not within the boundaries of this state or because physical presence is impossible. (b) When parental consent required; how obtained. In cases where the parties applying for a license are 16 or 17 years of age, their ages to be proved to the judge of the probate court as provided in Code Section 19-3-36, the parents or guardians of each underage applicant shall appear in person before the judge and consent to the proposed marriage, provided that if physical presence because of illness or infirmity is impossible, an affidavit by the incapacitated parent or guardian along with an affidavit signed by a licensed attending physician stating that the parent or guardian is physically incapable of being present shall suffice. The licensed attending physician shall include only those physicians licensed under Chapter 34 of Title 43 or under corresponding requirements pertaining to licensed attending physicians in sister states. (c) Alternative methods for obtaining parental consent. (1) When the parents or guardians of any underage applicants requiring parental consent reside within the state but in a county other than the county where the marriage license is to be issued, it shall not be necessary for the parents or guardians to appear in person before the judge of the probate court of the latter county and consent to the proposed marriage, if the parents or guardians appear in person and consent to the proposed marriage before the judge of the county in which they reside. (2) Where the parents or guardians of any underage applicants requiring parental consent reside outside the state, it shall not be necessary for the parents or guardians to appear in person before the judge of the probate court and consent to the proposed marriage, if the parents or guardians appear in person before the judicial authority of their county who is authorized to issue marriage licenses and consent to the proposed marriage before the judicial authority. If the parents or guardians are physically incapable of being present because of illness or infirmity, the illness or infirmity may be attested to by an attending physician licensed in such state, as is provided for in subsection (a) of this Code section. (3) Where the alternate provisions for parental consent are utilized under paragraph (1) or (2) of this subsection, the parents or guardians shall obtain a certificate from the judge of the probate court or the proper judicial officer before whom they have appeared with the seal and title of the official appearing thereon, the certificate containing information to the effect that the parents or guardians appeared before the judge or judicial officer and consented to the proposed marriage.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2:
License and Ceremony § § 19-3-39**

If the Governor or any former Governor of this state, any judge, city recorder, magistrate, minister, or other authorized person joins in marriage persons whose banns have been published, the person shall certify the fact to the judge of the probate court of the county where the banns were published, who shall record the same in the same book in which marriage licenses are recorded.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-40

(a) As used in this Code section, the term "blood test for sickle cell disease" means a blood test for sickle cell anemia, sickle cell trait, and other detectable abnormal hemoglobin. (b) The Department of Community Health shall prepare information for public dissemination on the department's website describing the importance of obtaining a blood test for sickle cell disease and explaining the causes and effects of such disease. Such information shall recommend that each applicant applying for a marriage license obtain a blood test for sickle cell disease prior to obtaining a marriage license. Such information may also be provided as a brochure or other document. The department shall make such information available in electronic format to the probate courts of this state which shall disseminate such information to all persons applying for marriage licenses.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-41

(a) The Department of Community Health shall prepare a marriage manual for distribution by the judge of the probate court or his clerk to all applicants for a marriage license. The manual shall include, but shall not be limited to, material on family planning. (b) The manual provided for in subsection (a) of this Code section shall be issued by the judge of the probate court or his clerk to applicants for a marriage license at the same time the marriage license is issued. (c) The Department of Community Health shall promulgate rules and regulations to implement this Code section. (d) In order to be nonsectarian, the manual will include resource referral information for those who might have questions regarding religious beliefs in the areas covered by the marriage manual.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-42

A marriage which is valid in other respects and supposed by the parties to be valid shall not be affected by want of authority in the minister, Governor or any former Governor of this state, judge, city recorder, magistrate, or other person to solemnize the same; nor shall such objection be heard from one party who has fraudulently induced the other to believe that the marriage was legal.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-43

All marriages solemnized in another state by parties intending at the time to reside in this state shall have the same legal consequences and effect as if solemnized in this state. Parties residing in this state may not evade any of the laws of this state as to marriage by going into another state for the solemnization of the marriage ceremony.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-44

(a) The judge of the probate court of each county shall return to the parties to a marriage the license and the return thereon after the same have been recorded as provided by law. This subsection shall be applicable to all marriage licenses and the returns thereon recorded after March 25, 1958. (b) Upon request of either of the parties, the judge of the probate court of each county is authorized, as to marriage licenses with the returns thereon recorded prior to March 25, 1958, to return the license: (1) To the parties to the marriage if the marriage is not dissolved and the parties are not living in a state of separation; (2) To the surviving party to the marriage if one of the parties is deceased; or (3) To the party first requesting the license if the parties are divorced.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-45

Any judge of the probate court who by himself or his clerk knowingly grants a license without the required consent or without proper precaution in inquiring into the question of minority shall forfeit the sum of \$500.00 for every such act, to be recovered at the action of the father or mother, if living, and, if not, at the action of the guardian or legal representative of either of such contracting parties, provided that under no circumstances shall more than one action be maintained by the father or mother, guardian, or legal representative of either of such contracting parties in connection with any one marriage; and provided, further, that no such action shall be brought prior to the expiration of 60 days from the date that the marriage becomes public and that no action under this Code section shall be maintained after the expiration of 12 months from the date the marriage becomes public. A recovery shall be had against the offending judge and his bondsmen. From the recovery a reasonable attorney's fee, to be fixed by the presiding judge trying the case, shall be paid to the attorney representing the person bringing the action and, after the payment of court costs, one-third of the remainder of the recovery shall be paid to the person bringing the action; and the remaining two-thirds shall be paid to the county educational fund of the county of the judge's residence. A judge who in good faith destroys physician's certificates of pregnancy and all records of the certificates under his control in accordance with the provisions of law shall not be prosecuted under this Code section for failure to require such a certificate from the applicants for a marriage license, if a birth certificate is issued for a child born to the applicants within the period of gestation after the marriage license was issued.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-46

The Governor or any former Governor of this state, any judge, city recorder, magistrate, minister, or other person authorized to perform the marriage ceremony who joins in marriage any couple without a license or the publication of banns shall forfeit the sum of \$500.00, to be recovered and appropriated as set forth in Code Section 19-3-45.

Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2: License and Ceremony § § 19-3-47

Any person who willfully furnishes false information in connection with the application and issuance of any marriage license, either in the application for the license, in furnishing proof of age, or in the physician's certificate as to pregnancy, shall be guilty of a misdemeanor.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2:
License and Ceremony § § 19-3-48**

If the Governor or any former Governor of this state, any judge, city recorder, magistrate, minister, or other person authorized to perform the marriage ceremony joins together in matrimony any man and woman without a license or the publication of banns or if the person performing the marriage ceremony knows of any disability of either of the parties which would render a contract of marriage improper and illegal, that person shall be guilty of a misdemeanor.

**Georgia Code Annotated - Title 19: Domestic Relations - Chapter 3: Marriage Generally - Article 2:
License and Ceremony § § 19-3-49**

In addition to any compensation otherwise provided by law, any judge who performs a marriage ceremony at any time, except normal office hours, may receive and retain as personal income any tip, consideration, or gratuity voluntarily given to such judge for performing such marriage ceremony.