

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 11**

§ 11. By whom a marriage must be solemnized. No marriage shall be valid unless solemnized by either:

1. A clergyman or minister of any religion, or by the senior leader, or any of the other leaders, of The Society for Ethical Culture in the city of New York, having its principal office in the borough of Manhattan, or by the leader of The Brooklyn Society for Ethical Culture, having its principal office in the borough of Brooklyn of the city of New York, or of the Westchester Ethical Society, having its principal office in Westchester county, or of the Ethical Culture Society of Long Island, having its principal office in Nassau county, or of the Riverdale-Yonkers Ethical Society having its principal office in Bronx county, or by the leader of any other Ethical Culture Society affiliated with the American Ethical Union. 2. A mayor of a village, a county executive of a county, or a mayor, recorder, city magistrate, police justice or police magistrate of a city, a former mayor or the city clerk of a city of the first class of over one million inhabitants or any of his or her deputies or not more than four regular clerks, designated by him or her for such purpose as provided in section eleven-a of this chapter, except that in cities which contain more than one hundred thousand and less than one million inhabitants, a marriage shall be solemnized by the mayor, or police justice, and by no other officer of such city, except as provided in subdivisions one and three of this section. 3. A judge of the federal circuit court of appeals for the second circuit, a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, a federal administrative law judge presiding in this state, a justice or judge of a court of the unified court system, a housing judge of the civil court of the city of New York, a retired justice or judge of the unified court system or a retired housing judge of the civil court of the city of New York certified pursuant to paragraph (k) of subdivision two of section two hundred twelve of the judiciary law, the clerk of the appellate division of the supreme court in each judicial department, a retired city clerk who served for more than ten years in such capacity in a city having a population of one million or more or a county clerk of a county wholly within cities having a population of one million or more; or, 4. A written contract of marriage signed by both parties and at least two witnesses, all of whom shall subscribe the same within this state, stating the place of residence of each of the parties and witnesses and the date and place of marriage, and acknowledged before a judge of a court of record of this state by the parties and witnesses in the manner required for the acknowledgment of a conveyance of real estate to entitle the same to be recorded. 5. Notwithstanding any other provision of this article, where either or both of the parties is under the age of eighteen years a marriage shall be solemnized only by those authorized in subdivision one of this section or by (1) the mayor of a city or village, or county executive of a county, or by (2) a judge of the federal circuit court of appeals for the second circuit, a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, or a justice or a judge of a court of the unified court system, or by (3) a housing judge of the civil court of the city of New York, or by (4) a former mayor or the clerk of a city of the first class of over one million inhabitants or any of his or her deputies designated by him or her for such purposes as provided in section eleven-a of this chapter. 6. Notwithstanding any other provisions of this article to the contrary no marriage shall be solemnized by a public officer specified in this section, other than a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, a federal administrative law judge presiding in this state, a judge or justice of the unified court system of this State, a housing judge of the civil court of the city of New York, or a retired

judge or justice of the unified court system or a retired housing judge of the civil court certified pursuant to paragraph (k) of subdivision two of section two hundred twelve of the judiciary law, outside the territorial jurisdiction in which he or she was elected or appointed. Such a public officer, however, elected or appointed within the city of New York may solemnize a marriage anywhere within such city.

7. The term "clergyman" or "minister" when used in this article, shall include those defined in section two of the religious corporations law. The word "magistrate, " when so used, includes any person referred to in the second or third subdivision.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 14**

§ 14. Town and city clerks to issue marriage licenses; form. The town or city clerk of each and every town or city in this state is hereby empowered to issue marriage licenses to any parties applying for the same who may be entitled under the laws of this state to apply therefor and to contract matrimony, authorizing the marriage of such parties, which license shall be substantially in the following form: State of New York County of ..... City or town of ..... Know all men by this certificate that any person authorized by law to perform marriage ceremonies within the state of New York to whom this may come, he not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between ..... of ..... in the county of ..... and state of New York and ..... of ..... in the county of ..... and state of New York and to certify the same to the said parties or either of them under his hand and seal in his ministerial or official capacity and thereupon he is required to return his certificate in the form hereto annexed. The statements endorsed hereon or annexed hereto, by me subscribed, contain a full and true abstract of all of the facts concerning such parties disclosed by their affidavits or verified statements presented to me upon the application for this license. This certificate is to be returned addressed to the undersigned at ....., ....., ..... (Street) (City, Town, Village) (State) In testimony whereof, I have hereunto set my hand and affixed the seal of said town or city at ..... this ..... day of ..... nineteen ....., at.....m. Seal. The form of the certificate annexed to said license and therein referred to shall be as follows: I, .... a ....., residing at ..... in the county of ..... and state of New York do hereby certify that I did on this ..... day of .... in the year, nineteen ..... at .....m, at ..... in the county of ..... and the state of New York, solemnize the rites of matrimony between .... of ..... in the county of ..... and state of New York, and .... of ..... in the county of ..... and state of New York in the presence of .... and .... as witness, and the license therefor is hereto annexed. Witness my hand ..... in the county of ..... this ..... day of ....., nineteen .....

There shall be endorsed upon the license or annexed thereto at the end thereof, subscribed by the clerk, an abstract of the facts concerning the parties as disclosed in their affidavits or verified statements at the time of the application for the license made in conformity to the provisions of section fifteen of this chapter. There shall also be stated upon the license the exact period during which the marriage may be solemnized. The license issued, including the abstract of facts, and the certificate duly signed by the person who shall have solemnized the marriage therein authorized, shall be returned by him, and where the marriage is solemnized by a written contract, the judge before whom acknowledgment is made shall forward such contract and marriage license to the office of the town or city clerk who issued the license

within five days succeeding the date of the solemnizing of the marriage therein authorized and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense. When a marriage is solemnized by a city, town or village justice outside of the territorial jurisdiction in which such justice was elected or appointed, as provided in subdivision six of section eleven of this chapter, there shall be affixed to such license prior to filing, the official or common seal of the court or of the municipality in which such justice was elected or appointed.

#### **Laws of New York - DOM Domestic Relations - Article 1 - Section 1 § 1**

§ 1. Short title. This chapter shall be known as the "Domestic Relations Law."

#### **Laws of New York - DOM Domestic Relations - Article 1 - Section 1 § 2**

§ 2. Definitions. A "minor" or "infant", as used in this chapter, is a person under the age of eighteen years.

#### **Laws of New York - DOM Domestic Relations - Article 2 - Section 5**

§ 5. Incestuous and void marriages. A marriage is incestuous and void whether the relatives are legitimate or illegitimate between either: 1. An ancestor and a descendant; 2. A brother and sister of either the whole or the half blood; 3. An uncle and niece or an aunt and nephew. If a marriage prohibited by the foregoing provisions of this section be solemnized it shall be void, and the parties thereto shall each be fined not less than fifty nor more than one hundred dollars and may, in the discretion of the court in addition to said fine, be imprisoned for a term not exceeding six months. Any person who shall knowingly and wilfully solemnize such marriage, or procure or aid in the solemnization of the same, shall be deemed guilty of a misdemeanor and shall be fined or imprisoned in like manner.

#### **Laws of New York - DOM Domestic Relations - Article 2 - Section 6**

§ 6. Void marriages. A marriage is absolutely void if contracted by a person whose husband or wife by a former marriage is living, unless either: 1. Such former marriage has been annulled or has been dissolved for cause other than the adultery of such person; provided, that if such former marriage has been dissolved for the cause of the adultery of such person, he or she may marry again in the cases provided for in section eight of this chapter and such subsequent marriage shall be valid; 3. Such former marriage has been dissolved pursuant to section seven-a of this chapter.

#### **Laws of New York - DOM Domestic Relations - Article 2 - Section 7**

§ 7. Voidable marriages. A marriage is void from the time its nullity is declared by a court of competent jurisdiction if either party thereto: 1. Is under the age of legal consent, which is eighteen years, provided that such nonage shall not of itself constitute an absolute right to the annulment of such marriage, but such annulment shall be in the discretion of the court which shall take into consideration all the facts and circumstances surrounding such marriage; 2. Is incapable of consenting to a marriage for want of understanding; 3. Is incapable of entering into the married state from physical cause; 4. Consent to such marriage by reason of force, duress or fraud; 5. Has been incurably mentally ill for a period of five years or more.

### **Laws of New York - DOM Domestic Relations - Article 2 - Section 8**

§ 8. Marriage after divorce. Whenever, and whether prior or subsequent to September first, nineteen hundred sixty-seven, a marriage has been dissolved by divorce, either party may marry again.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 10**

§ 10. Marriage a civil contract. Marriage, so far as its validity in law is concerned, continues to be civil contract, to which the consent of parties capable in law of making a contract is essential.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 11**

§ 11. By whom a marriage must be solemnized. No marriage shall be valid unless solemnized by either:

1. A clergyman or minister of any religion, or by the senior leader, or any of the other leaders, of The Society for Ethical Culture in the city of New York, having its principal office in the borough of Manhattan, or by the leader of The Brooklyn Society for Ethical Culture, having its principal office in the borough of Brooklyn of the city of New York, or of the Westchester Ethical Society, having its principal office in Westchester county, or of the Ethical Culture Society of Long Island, having its principal office in Nassau county, or of the Riverdale-Yonkers Ethical Society having its principal office in Bronx county, or by the leader of any other Ethical Culture Society affiliated with the American Ethical Union. 2. A mayor of a village, a county executive of a county, or a mayor, recorder, city magistrate, police justice or police magistrate of a city, a former mayor or the city clerk of a city of the first class of over one million inhabitants or any of his or her deputies or not more than four regular clerks, designated by him or her for such purpose as provided in section eleven-a of this chapter, except that in cities which contain more than one hundred thousand and less than one million inhabitants, a marriage shall be solemnized by the mayor, or police justice, and by no other officer of such city, except as provided in subdivisions one and three of this section. 3. A judge of the federal circuit court of appeals for the second circuit, a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, a federal administrative law judge presiding in this state, a justice or judge of a court of the unified court system, a housing judge of the civil court of the city of New York, a retired justice or judge of the unified court system or a retired housing judge of the civil court of the city of New York certified pursuant to paragraph (k) of subdivision two of section two hundred twelve of the judiciary law, the clerk of the appellate division of the supreme court in each judicial department, a retired city clerk who served for more than ten years in such capacity in a city having a population of one million or more or a county clerk of a county wholly within cities having a population of one million or more; or, 4. A written contract of marriage signed by both parties and at least two witnesses, all of whom shall subscribe the same within this state, stating the place of residence of each of the parties and witnesses and the date and place of marriage, and acknowledged before a judge of a court of record of this state by the parties and witnesses in the manner required for the acknowledgment of a conveyance of real estate to entitle the same to be recorded. 5. Notwithstanding any other provision of this article, where either or both of the parties is under the age of eighteen years a marriage shall be solemnized only by those authorized in subdivision one of this section or by (1) the mayor of a city or village, or county executive of a county, or by (2) a judge of the federal circuit court of appeals for the second circuit, a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, or a justice or a judge of a court of the unified court system, or by (3) a housing judge of the civil court of the city of New York, or by (4) a former mayor or the clerk of a city of the first class of over one million inhabitants or

any of his or her deputies designated by him or her for such purposes as provided in section eleven-a of this chapter. 6. Notwithstanding any other provisions of this article to the contrary no marriage shall be solemnized by a public officer specified in this section, other than a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, a federal administrative law judge presiding in this state, a judge or justice of the unified court system of this State, a housing judge of the civil court of the city of New York, or a retired judge or justice of the unified court system or a retired housing judge of the civil court certified pursuant to paragraph (k) of subdivision two of section two hundred twelve of the judiciary law, outside the territorial jurisdiction in which he or she was elected or appointed. Such a public officer, however, elected or appointed within the city of New York may solemnize a marriage anywhere within such city. 7. The term "clergyman" or "minister" when used in this article, shall include those defined in section two of the religious corporations law. The word "magistrate," when so used, includes any person referred to in the second or third subdivision.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 11-A**

§ 11-a. Duty of city clerk in certain cities of the first class; facsimile signature of said clerk authorized. 1. a. The city clerk of a city of the first class of over one million inhabitants may designate in writing any of his deputies or not more than four from among the permanent members of his staff to perform marriage ceremonies, which designation shall be in writing and be filed in the office of such city clerk. The day of such filing shall be endorsed on the designation. Any such designation shall be and remain in effect for six months from the filing thereof. b. Whenever persons to whom the city clerk of any such city of the first class shall have issued a marriage license shall request him to solemnize the rites of matrimony between them and present to him such license it shall be the duty of such clerk, either in person or by one of his deputies or the permanent members of his staff so designated by him to solemnize such marriage; provided, however, that nothing contained either in this section or in subdivision two of section eleven of this chapter shall be construed as empowering or requiring either the said city clerk or any of his designated deputies or the permanent members of his staff so designated to solemnize marriages at any place other than at the office of such city clerk. c. Notwithstanding any other provision of this article upon presentation to said city clerk in person or to any of his deputies of such license by one or both of such persons under the age of eighteen years with a request to solemnize the rites of matrimony between them, it shall be the duty of such city clerk either in person or by one of his deputies to solemnize such marriage provided there is submitted to said city clerk, in addition, the written request therefor by the parents of any such persons under the age of eighteen years and provided further that said parents shall be personally present at such requested solemnization. d. In all cases in which the city clerk of such city or one of his deputies or the permanent members of his staff so designated shall perform a marriage ceremony such official shall demand and be entitled to collect therefor a fee to be fixed by the council of the city of New York not exceeding twenty-five dollars, which sum shall be paid by the contracting parties before or immediately upon the solemnization of the marriage; and all such fees so received shall be paid over to the commissioner of finance of the city. 2. The signature and seal of said clerk of cities of the first class of over one million inhabitants upon the marriage license, certificate of marriage, registration, and marriage search provided by this article may be a facsimile imprinted, stamped, or engraved thereon. 3. The said clerk of cities of the first class of one million inhabitants or more may designate among the permanent members of his staff one or more individuals who shall be permitted to sign his name and affix his official seal

upon the marriage license, certificate of marriage registration, and marriage search provided by this article requiring the signature and seal of the city clerk.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 11-B**

§ 11-b. Registration of persons performing marriage ceremonies in the city of New York. Every person authorized by law to perform the marriage ceremony, before performing any such ceremonies in the city of New York, shall register his or her name and address in the office of the city clerk of the city of New York. Every such person, before performing any marriage ceremonies subsequent to a change in his or her address, shall likewise register such change of address. Such city clerk is hereby empowered to cancel the registration of any person so registered upon satisfactory proof that the registration was fraudulent, or upon satisfactory proof that such person is no longer entitled to perform such ceremony.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 11-C**

§ 11-c. Marriage officers. 1. Notwithstanding the provisions of section eleven of this article or any other law, the governing body of any village, town, or city may appoint one or more marriage officers who shall have the authority to solemnize a marriage which marriage shall be valid if performed in accordance with other provisions of law. Nothing herein contained shall nullify the authority of other persons authorized to solemnize marriages. 2. The number of such marriage officers appointed for a municipality shall be determined by the governing body of the municipality. Such marriage officers shall be eighteen years of age or over, and they shall reside in the municipality by which they are appointed. A marriage officer shall have the authority to solemnize a marriage within the territory of the municipality which makes the appointment. 3. A marriage officer may receive a salary or wage in an amount to be determined by the governing body of the municipality which appoints him or her. In the event that a marriage officer receives a salary or wage, he or she shall not receive any remuneration or consideration from any other source for performing his or her duties. In the event that a marriage officer does not receive a salary or wage, he or she may accept and keep up to seventy-five dollars for each marriage at which he or she officiates, paid by or on behalf of the persons married. 4. The term of office of a marriage officer shall be as determined by the governing body which makes the appointment but shall not exceed four years. A marriage officer shall serve at the pleasure of the appointing authority and may be removed from office with or without cause on ten days written notice filed with the clerk of the municipality and sent by registered mail return receipt requested to the marriage officer.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 12**

§ 12. Marriage, how solemnized. No particular form or ceremony is required when a marriage is solemnized as herein provided by a clergyman or magistrate, but the parties must solemnly declare in the presence of a clergyman or magistrate and the attending witness or witnesses that they take each other as husband and wife. In every case, at least one witness beside the clergyman or magistrate must be present at the ceremony. The preceding provisions of this chapter, so far as they relate to the manner of solemnizing marriages, shall not affect marriages among the people called friends or Quakers; nor marriages among the people of any other denominations having as such any particular mode of solemnizing marriages; but such marriages must be solemnized in the manner heretofore used and practiced in their respective societies or denominations, and marriages so solemnized shall be as valid as if this article had not been enacted.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 13**

§ 13. Marriage licenses. It shall be necessary for all persons intended to be married in New York state to obtain a marriage license from a town or city clerk in New York state and to deliver said license, within sixty days, to the clergyman or magistrate who is to officiate before the marriage ceremony may be performed. In case of a marriage contracted pursuant to subdivision four of section eleven of this chapter, such license shall be delivered to the judge of the court of record before whom the acknowledgment is to be taken. If either party to the marriage resides upon an island located not less than twenty-five miles from the office or residence of the town clerk of the town of which such island is a part, and if such office or residence is not on such island such license may be obtained from any justice of the peace residing on such island, and such justice, in respect to powers and duties relating to marriage licenses, shall be subject to the provisions of this article governing town clerks and shall file all statements or affidavits received by him while acting under the provisions of this section with the town clerk of such town.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 13-AA**

§ 13-aa. Test to determine the presence of sickle cell anemia. 1. On and after the effective date of this act, such test as may be necessary shall be given to each applicant for a marriage license who is not of the Caucasian, Indian or Oriental race for the purposes of discovering the existence of sickle cell anemia and notifying the applicant of the results of such test. 2. No application for a marriage license shall be denied solely on the ground that such test proves positive, nor shall the absence of such test invalidate a marriage. 3. The provisions of this section shall not apply to any person who refuses to take such test because of his religious beliefs.

### **Laws of New York - DOM Domestic Relations - Article 3 - Section 13-B § 1**

§ 13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section three hundred fifty-four-d of the executive law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or if such party is under sixteen years of age, the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or

judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his right to solemnize a marriage shall be suspended for ninety days.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 13-B § 2**

§ 13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section three hundred fifty-four-d of the executive law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or if such party is under sixteen years of age, the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his right to solemnize a marriage shall be suspended for ninety days.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 13-D**

13-d. Duty of clerk issuing marriage license. 1. It shall be the duty of each town and each city clerk or duly authorized deputy acting in the clerk's stead, upon the issuance of a marriage license to display to the parties a typed or printed statement containing substantially the same following information: "Rubella, also known as 'German measles', is a common childhood disease. It is usually not serious to children who contract it themselves, but can be a tragiccrippler of unborn babies if transmitted to pregnant women. Rubella infection poses a grave threat to the unborn child, especially during the first

four months of pregnancy. It can lead to miscarriage, stillbirth, or one or all of the tragic defects such as deafness, blindness, crippling congenital heart disease, mental retardation and muscular and bone defects. In order to be immune to rubella, one must either receive the rubella vaccine or actually have had the disease. To see whether you are susceptible to rubella, you can get a blood test from your doctor. Even more important is the availability of a rubella vaccine which will prevent you from ever contracting the disease. In order to protect yourself, your family, and your friends, please take steps to prevent the tragic effects of rubella. Please contact your family doctor, health care provider, public health facility or clinic for further information." 2. It shall also be the duty of each town and city clerk or duly authorized deputy acting in the clerk's stead to provide to each applicant for a marriage license information regarding the Thalassemia Trait. The department of health shall prepare information, including but not limited to, the blood disorder Thalassemia Trait and other inherited conditions affecting the population of New York state. 3. No cause of action for damages shall arise in favor of any person or person yet to be born by reason of any failure to comply with the provisions of this section.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 14-A**

§ 14-a. Town and city clerks to issue certificates of marriage registration; form. 1. Upon receipt of the return of the marriage license, properly endorsed and completed by the person who shall have solemnized a marriage as provided in this article, the town and city clerks of each and every town or city in the state shall, after abstracting, recording and indexing the statement of performance of solemnization, issue to the couple within fifteen days after such receipt or return of the completed marriage license a certificate of marriage, which certificate shall be substantially in the following form and contain the following facts: Record No.....of Year..... THIS IS TO CERTIFY that ..... , first name, premarriage surname, new surname (if applicable) residing at ..... , who was born on ..... , at ..... , date and ..... , first name, premarriage surname, new surname (if applicable) residing at ..... , who was born ..... , at ..... , date were married on ..... at ..... , date as shown by the duly registered license and certificate of marriage of said persons on file in this office. (SEAL) ..... Town or City Clerk Dated at....., N. Y. .... No other facts contained in the affidavits, statements, consents or licenses shall be certified by such town and city clerks, unless expressly requested in writing by the man or woman named in such affidavit, license, statement or record. 2. a. Such town and city clerks shall be entitled to a fee for such certificate, payable at the time of issuance of the marriage license, in a sum not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such cities. The town and city clerks shall, upon request of any applicant whose name appears thereon, issue a similar certificate of marriage, as set forth above, and similarly expanded with additional facts upon the express additional request, for all marriages heretofore indexed and recorded in the office of the town or city clerks. For such certificate of marriage, the town and city clerks shall be entitled to a fee not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city. b. In addition to the foregoing, upon request of any applicant whose name appears thereon for a certificate of marriage, the town or city clerk may issue a photograph, micro-photograph or photocopy of the marriage record on file in the office of such clerk. Such photograph, micro-photograph or photocopy, when certified by the town or city clerk, shall be deemed an original record for all purposes, including introduction in evidence

in all courts or administrative agencies. For such certificate of marriage and the certification thereof, the town or city clerk shall be entitled to a fee not exceeding ten dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city. 3. No fee shall be charged for any certificate when required by the veterans administration or by the division of veterans' affairs of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or by the state of New York. 4. A copy of the record of marriage registration when properly certified by the city and town clerks or their duly authorized deputies, as herein provided, shall be prima facie evidence of the facts therein stated and in all actions, proceedings or applications, judicial, administrative or otherwise, and any such certificate of registration of marriage shall be accepted with the same force and effect with respect to the facts therein stated as the original certificate of marriage or certified copy thereof. 5. Upon request of any applicant whose name appears thereon for a certificate of marriage, the town or city clerk shall be authorized to correct any errors on such marriage certificate where: a. such error was not the result of any intended fraud, deception or attempt to avoid the effect of any valid law, regulation or statute; and b. either party to the marriage provides proof, satisfactory to the clerk, of the accuracy of the facts presented in support of correcting the error. To effectuate such correction and provide certified copies of the amended certificate, the town or city clerk shall be entitled to a fee not exceeding ten dollars to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city. The clerk shall forward a copy of such amended certificate to the commissioner of health.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 15**

§ 15. Duty of town and city clerks. 1. (a) It shall be the duty of the town or city clerk when an application for a marriage license is made to him or her to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his or her deputies, containing the following information. From the groom: Full name of husband, place of residence, social security number, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. From the bride: Full name of bride, place of residence, social security number, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. The said clerk shall also embody in the statement if either or both of the applicants have been previously married, a statement as to whether the former husband or husbands or the former wife or wives of the respective applicants are living or dead and as to whether either or both of said applicants are divorced persons, if so, when and where and against whom the divorce or divorces were granted and shall also embody therein a statement that no legal impediment exists as to the right of each of the applicants to enter into the marriage state. The town or city clerk is hereby given full power and authority to administer oaths and may require the applicants to produce witnesses to identify them or either of them and may examine under oath or otherwise other witnesses as to any material inquiry pertaining to the issuing of the license, and if the applicant is a divorced person the clerk may also require the production of a certified copy of the decree of the divorce, or proof of an existing marriage of parties who apply for a license to be used for a second or subsequent ceremony; provided, however, that in cities of the first class the verified statements and affidavits may be made before any regular clerk of the city clerk's office designated for that purpose by the city clerk. (b) Every application for a marriage license shall contain a statement to the following effect: NOTICE TO APPLICANTS (1) Every person has the right to adopt any name by which he or she wishes to be known

simply by using that name consistently and without intent to defraud. (2) A person's last name (surname) does not automatically change upon marriage, and neither party to the marriage must change his or her last name. Parties to a marriage need not have the same last name. (3) One or both parties to a marriage may elect to change the surname by which he or she wishes to be known after the solemnization of the marriage by entering the new name in the space below. Such entry shall consist of one of the following surnames: (i) the surname of the other spouse; or (ii) any former surname of either spouse; or (iii) a name combining into a single surname all or a segment of the premarriage surname or any former surname of each spouse; or (iv) a combination name separated by a hyphen, provided that each part of such combination surname is the premarriage surname, or any former surname, of each of the spouses. (4) The use of this option will have the effect of providing a record of the change of name. The marriage certificate, containing the new name, if any, constitutes proof that the use of the new name, or the retention of the former name, is lawful. (5) Neither the use of, nor the failure to use, this option of selecting a new surname by means of this application abrogates the right of each person to adopt a different name through usage at some future date. .... (Optional -- Enter new surname above)

2. If it appears from the affidavits and statements so taken, that the persons for whose marriage the license in question is demanded are legally competent to marry, the said clerk shall issue such license except in the following cases. If it shall appear upon an application that the applicant is under eighteen years of age, before the town or city clerk shall issue a license, he shall require documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country, a baptismal record, passport, automobile driver's license, life insurance policy, employment certificate, school record, immigration record, naturalization record or court record, showing the date of birth of such minor. If the town or city clerk shall be in doubt as to whether an applicant claiming to be over eighteen years of age is actually over eighteen years of age, he shall, before issuing such license, require documentary proof as above defined. If it shall appear upon an application of the applicants as provided in this section or upon information required by the clerk that either party is at least sixteen years of age but under eighteen years of age, then the town or city clerk before he shall issue a license shall require the written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead, then the written consent of the guardian or guardians of such minor or minors. If one of the parents has been missing and has not been seen or heard from for a period of one year preceding the time of the application for the license, although diligent inquiry has been made to learn the whereabouts of such parent, the town or city clerk may issue a license to such minor upon the sworn statement and consent of the other parent. If the marriage of the parents of such minor has been dissolved by decree of divorce or annulment, the consent of the parent to whom the court which granted the decree has awarded the custody of such minor shall be sufficient. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written consent to the marriage of the person under whose care or government the minor or minors may be before a license shall be issued. If a parent of such minor has been adjudicated an incompetent, the town or city clerk may issue a license to such minor upon the production of a certified copy of such judgment so determining and upon the written consent of the other parent. If there is no other parent whose consent is required by this section, then and in such event, the town or city clerk shall require the written consent of the guardian of such minor or of the person under whose care or government the minor may be before a license shall be issued. The parents, guardians, or other persons whose consent it

shall be necessary to obtain and file with the town or city clerk before the license shall issue, shall personally appear and acknowledge or execute the same before the town or city clerk, or some other officer authorized to administer oaths and take acknowledgments provided that where such affidavit or acknowledgment is made before an official other than an officer designated in section two hundred ninety-eight of the real property law as authorized to take such affidavit or acknowledgment if a conveyance of real property were being acknowledged or proved, or if a certificate of authentication would be required by section three hundred ten of the real property law to entitle the instrument to be recorded if it were a conveyance of real property, the consent when filed must have attached thereto a certificate of authentication. 3. If it shall appear upon an application for a marriage license that either party is under the age of sixteen years, the town or city clerk shall require, in addition to any consents provided for in this section, the written approval and consent of a justice of the supreme court or of a judge of the family court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of thirty dollars, which sum shall be paid by the applicants before or at the time the license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health twenty-two dollars and fifty cents of the amount received for each fee collected, which shall be paid into the vital records management account as provided by section ninety-seven-cccc of the state finance law. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of this article, the clerk of any city with the approval of the governing body of such city is hereby authorized to designate, in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated are hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation. 4. Notwithstanding any other provision of this section, the city clerk of the city of New York, before issuing any licenses herein provided for, shall be entitled to a fee of twenty-five dollars, which sum shall be paid by the applicants before or at the time the license is issued and all such fees so received shall be paid monthly into the city treasury.

§ 15-a. Marriages of minors under fourteen years of age. Any marriage in which either party is under the age of fourteen years is hereby prohibited. Any town or city clerk who shall knowingly issue a marriage license to any persons, one or both of whom shall be at the time of their contemplated marriage actually under the age of fourteen years, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 16**

§ 16. False statements and affidavits. Any person who shall in any affidavit or statement required or provided for in this article wilfully and falsely swear in regard to any material fact as to the competency of any person for whose marriage the license in question or concerning the procuring or issuing of which such affidavit or statement may be made shall be deemed guilty of perjury and on conviction thereof shall be punished as provided by the statutes of this state.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 17**

§ 17. Clergyman or officer violating article; penalty. If any clergyman or other person authorized by the laws of this state to perform marriage ceremonies shall solemnize or presume to solemnize any marriage between any parties without a license being presented to him or them as herein provided or with knowledge that either party is legally incompetent to contract matrimony as is provided for in this article he shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not less than fifty dollars nor more than five hundred dollars or by imprisonment for a term not exceeding one year.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 18**

§ 18. Clergymen or officer, when protected. Any such clergymen or officer as aforesaid to whom any such license duly issued may come and not having personal knowledge of the incompetency of either party therein named to contract matrimony, may lawfully solemnize matrimony between them.

**Laws of New York - DOM Domestic Relations - Article 3 - Section 19**

§ 19. Records to be kept by town and city clerks. 1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the veterans administration or by the division of veterans' affairs of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or by the state of New York. All such affidavits, statements and consents, immediately

upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed. The county clerks of the counties comprising the city of New York shall cause all original applications and original licenses with the marriage solemnization statements thereon heretofore filed with each, and all papers and records and binders relating to such original documents pertaining to marriage licenses issued by said city clerk, in their custody and possession to be removed, transferred, and delivered to the borough offices of the city clerk in each of said counties. 2. (a) In lieu of the requirement of maintaining a book supplied by the state department of health pursuant to subdivision one hereof, each town or city clerk may cause all information as is required by law or rule or regulation of the department to be kept in such books to be photocopied, photographed, microphotographed or reproduced on film which shall be kept and preserved as part of the public records of his office together with an index thereto. Such photographic film shall be of durable material and the device used to reproduce such records on such film shall be one which accurately reproduces the original record in all details. (b) Such photocopy or photographic film shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy thereof shall, for all purposes, be deemed to be a transcript, exemplification or certified copy of the original.

#### **Laws of New York - DOM Domestic Relations - Article 3 -Section 19-A**

§ 19-a. Marriages on vessels; reports and records. The master, chief officer, ship's surgeon, or the company, corporation, charterer, or person having the management and control of any vessel which shall arrive at the port of New York, shall report, in writing, to the city clerk of the city of New York within three days after the arrival of such vessel the marriage of any resident of such city occurring thereon at sea, and shall file with such clerk a transcript of the entry made in the log book of such vessel in respect to any such marriage.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 20**

§ 20. Records to be kept by the state department of health and the city clerk of the city of New York. All original affidavits, statements, consents and licenses with certificates attached, and also all written contracts of marriages outside of the city of New York shall be kept on file and properly indexed by the state department of health, and such similar evidences of marriage in the city of New York shall be kept on file and properly indexed by the city clerk of the city of New York. They shall be carefully examined, and if any such are incomplete or unsatisfactory the state commissioner of health and in the city of New York the city clerk shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. Whenever it is claimed that a mistake has been made through inadvertence in any of the statements, affidavits or other papers required by this section to be filed with the state department of health, and in the city of New York with the city clerk's office, the state commissioner of health and in the city of New York the city clerk may file with the same, affidavits upon

the part of the person claiming to be aggrieved by such mistake, showing the true facts and the reason for the mistake and may make a note upon such original paper, statement or affidavit showing that a mistake is claimed to have been made and the nature thereof.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 20-A**

§ 20-a. Certified transcripts of records; state commissioner of health may furnish. The state commissioner of health or person authorized by him shall, upon request, supply to any applicant a certified transcript of any marriage registered under the provisions of this article, unless he is satisfied that the same does not appear to be necessary or required for judicial or other proper purposes. Any transcript of the record of a marriage, when properly certified by the state commissioner of health or person authorized to act for him, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records conducted for authorized research purposes, the state commissioner of health shall be entitled to a fee of twenty dollars for each hour or fractional part of an hour of time of search, together with a fee of two dollars for each uncertified copy or abstract of such marriage record requested by the applicant, said fees to be paid by the applicant. Each applicant for a certified transcript of a marriage record shall remit to the state commissioner of health a fee of thirty dollars in payment for the search of the files and records and the furnishing of a certified copy if such record is found or for a certification that a search discloses no record of a marriage.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 20-B**

§ 20-b. Certification of marriage; state commissioner of health may furnish. 1. The state commissioner of health or person authorized by him shall, upon request, issue to any applicant a certification of any marriage registered under the provisions of this article, unless he is satisfied that the same does not appear to be necessary or required for judicial or other proper purposes. Any such certification of marriage made by such commissioner or person authorized to act for him shall be prima facie evidence in all courts and places of the facts therein stated. 2. Such certification shall contain a statement of the respective names, dates and places of birth and places of the then residence of each of the parties to such marriage and the date and place thereof. 3. Each applicant for a certification of marriage shall remit to the commissioner with such application a fee of thirty dollars in payment for the search of the files and records and the furnishing of such certification if a record thereof is found or for a certification that a search discloses no record of a marriage. 4. The federal agency in charge of vital statistics may obtain, at a fee acceptable to the commissioner, information from marriage records for use solely as statistical data.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 21**

§ 21. Forms and books to be furnished. The proper books for registration, blank forms for marriage licenses, certificates, statements and affidavits and such other blanks as shall be necessary to comply with the provisions of this article, shall be prepared by the state department of health and shall be furnished by said department at the expense of the state to the town and city clerks filing records with the state department of health in such quantities as their necessities shall require.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 22**

§ 22. Penalty for violation. Any town or city clerk who shall violate any of the provisions of this article or shall fail to comply therewith shall be deemed guilty of a misdemeanor and shall pay a fine not exceeding the sum of one hundred dollars on conviction thereof.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 23**

§ 23. Supervision of and inspection of town and city clerks' records by state commissioner of health. The registration and recording of all marriages outside the city of New York shall be under the supervision of the state commissioner of health. The commissioner, either personally or by an accredited representative, may at any time inspect the record and index of marriage licenses issued by any town or city clerk and promulgate rules and regulations for insuring complete registration. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this article to the district attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to him by the state commissioner of health, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or persons responsible for the alleged violation of law. Upon request of the state commissioner of health, the attorney-general shall assist in the enforcement of the provisions of this article.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 24**

§ 24. Effect of marriage on legitimacy of children. 1. A child heretofore or hereafter born of parents who prior or subsequent to the birth of such child shall have entered into a civil or religious marriage, or shall have consummated a common-law marriage where such marriage is recognized as valid, in the manner authorized by the law of the place where such marriage takes place, is the legitimate child of both birth parents notwithstanding that such marriage is void or voidable or has been or shall hereafter be annulled or judicially declared void. 2. Nothing herein contained shall be deemed to affect the construction of any will or other instrument executed before the time this act shall take effect or any right or interest in property or right of action vested or accrued before the time this act shall take effect, or to limit the operation of any judicial determination heretofore made containing express provision with respect to the legitimacy, maintenance or custody of any child, or to affect any adoption proceeding heretofore commenced, or limit the effect of any order or orders entered in such adoption proceeding.

#### **Laws of New York - DOM Domestic Relations - Article 3 - Section 25**

§ 25. License, when to be obtained. The provisions of this article pertaining to the granting of the licenses before a marriage can be lawfully celebrated apply to all persons who assume the marriage relation in accordance with subdivision four of section eleven of this chapter. Nothing in this article contained shall be construed to render void by reason of a failure to procure a marriage license any marriage solemnized between persons of full age nor to render void any marriage between minors or with a minor under the legal age of consent where the consent of parent or guardian has been given and such marriage shall be for such cause voidable only as to minors or a minor upon complaint of such minors or minor or of the parent or guardian thereof.