

# Marriage License Applicants

## NOTICE

The office of Franklin County Clerk of the Orphans' Court cannot provide legal advice to the parties; and specifically cannot advise whether or not a person is qualified to solemnize a marriage or what is or is not a church, congregation, or religious society, institution or organization. Parties must ask their attorney for legal advice.

The Pennsylvania statute governing officers of church or state authorized to solemnize a marriage is on the reverse side of this sheet. If you have ANY questions, you must ask your attorney. If a "minister, priest or rabbi" or "religious society, religious institution or religious organization" will conduct your marriage, types of questions your attorney must answer are:

- Is the person who will marry us authorized to solemnize our marriage?
- Is the person who will marry us a "minister, priest or rabbi"?
- What does "regularly established church or congregation" mean?
- Are either of us a member of a "religious society, religious institution or religious organization"?
- Is a person "ordained" by mail order, over the Internet, or by similar "ordination" authorized to solemnize our marriage?
- If a person "ordained" by mail order, over the Internet, or by similar "ordination" conducts our marriage, is our marriage valid?
- Is our marriage valid if it is later determined the person who conducted our marriage was not authorized to solemnize our marriage?
- If our marriage is not valid because the person who conducted our marriage was not authorized to solemnize our marriage, what are our rights; how is ownership of our property determined; if one of us dies, what are the rights of inheritance; what is the status of our children?
- Who will decide if the person who married us was authorized to solemnize our marriage or if our marriage is valid? How much will it cost us?
- If the person who conducted our marriage was not authorized to solemnize our marriage, are they legally responsible to us in any way?

A license issued by this office:

- Authorizes a marriage ceremony performed only in Pennsylvania.
- Is valid for only 60 days
- Must be returned to this office within 10 days after the marriage ceremony

## 23 Pa. C.S. §1503. Persons qualified to solemnize marriages.

- (a) General rule.—The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:
- (1) A justice, judge or magisterial district judge of this Commonwealth.
  - (2) A former or retired justice, judge or magisterial district judge of this Commonwealth who is serving as a senior judge or senior magisterial district judge as provided or prescribed by law; or not serving as a senior judge or senior magisterial district judge but meets the following criteria:
    - (i) has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling a full term of office;
    - (ii) has not been defeated for reelection or retention;
    - (iii) has not been convicted of, pleaded *nolo contendere* to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;
    - (iv) has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies or by the Judicial Conduct Board;
    - (v) has not been removed from office by the Court of Judicial Discipline; and
    - (vi) is a resident of this Commonwealth.
  - (3) An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania.
  - (3.1) An Active, retired or senior bankruptcy judge of the United States Bankruptcy Courts for the Eastern, Middle or Western District of Pennsylvania who is a resident of this Commonwealth.
  - (4) An active, retired or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth.
  - (5) A Mayor of any city or borough of this Commonwealth.
  - (5.1) A former mayor of a city or borough of this Commonwealth who:
    - (i) Has not been defeated for reelection;
    - (ii) Has not been convicted of, pleaded *nolo contendere* to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to a misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or any one of its possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;
    - (iii) Has not resigned the position of mayor to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies;
    - (iv) has served as a mayor, whether continuously or not, by election for an aggregate of a full term in office; and
    - (v) is a resident of this Commonwealth.
  - (6) A minister, priest or rabbi of any regularly established church or congregation.
- (b) Religious organizations.—Every religious society, religious institution or religious organization in this Commonwealth may join persons together in marriage when at least one of the persons is a member of the society, institution or organization, according to the rules and customs of the society, institution or organization.
- (c) Marriage license needed to officiate.—No person or religious organization qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a marriage license issued under this part.