



**KIM CARTER  
TERRY COUNTY CLERK**

*Requirements for Obtaining a Marriage License*

General Information

There are two types of marriage licenses- *Formal* marriage license and *Declaration and Registration of an Informal Marriage* (Common Law). The basic requirements are the same for both types of marriage.

\*Both parties must appear in person.

\*Both parties must be at least 18 years of age.

\*Must have a valid, government-issued picture identification. Names will be reflected on the marriage license exactly as they appear on the IDs. The County Clerk's office cannot change the name or spelling of name on ID. Forms of acceptance, valid identification include:

\*Driver license

\*State ID

\*Passport

\*Military ID

\*Visa

\*\*Must know Social Security number.

\*\*\*MINORS OBTAINING A MARRIAGE LICENSE

Effective September 1, 2017, if either applicant is under 18 years of age, a court order granted by this state under Texas Family Code Chapter 31, removing the disabilities of minority of the applicant for general purpose is required. In addition, minor applicants must show certified copy of court order and birth certificate with current school ID, driver's license or state ID.

FORMAL MARRIAGE LICENSE

A formal marriage license can be obtained from any county in Texas and the marriage can be performed anywhere. If the marriage takes place outside of Texas, contact the appropriate state office, consulate or embassy to learn the marriage requirements for the state or country.

### Additional requirements and information:

- There is a 72-hour waiting period after the license is issued before the marriage ceremony can take place. The 72-hour waiting period can be waived by meeting one of three criteria
  - The waiting period does not apply if an applicant is a member of the armed forces and on active duty.
  - The waiting period does not apply if the applicant obtains a 72-hour waiver signed by a Judge.
  - Applicants possess a valid Together in Texas Certificate. Certificate must be shown to the person who performs the ceremony.
- The marriage must take place within 90 days from the date of issuance—no exceptions.
- If divorced in Texas, there is a 30 day waiting period after the divorce is final before remarriage—unless waived. If the 30 day waiting period is waived, a certified copy of court order must be presented at the time the license is purchased.
- The fee is \$81.00
- The fee is \$21 for couples who attend the State of Texas approved Marriage Education Class and present a valid Together in Texas Certificate. For more information visit the Together in Texas website: [togetherintexas.com](http://togetherintexas.com)

### ABSENT APPLICANT

An absentee affidavit is to be completed if an applicant is unable to appear personally before the County Clerk to apply for a marriage license. The other applicant may apply for a marriage license on behalf of the absent applicant.

The County Clerk may not issue a marriage license for which both applicants are absent unless both applicants are:

- A member of the armed forces of the United States stationed in another country in support of combat or another military operation.

A person may agree to marriage by the appearance of a proxy appointed in the affidavit authorized by Subchapter A if the person is:

- (1) A member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
- (2) Unable to attend the ceremony

### DECLARATION AND REGISTRATION OF AN INFORMAL MARRIAGE (COMMON LAW)

An informal marriage license can be obtained and recorded by a couple who agree to be married, and after the agreement, they lived together in this state as a couple and represented to others that they were married.

- Both parties must be present. An absentee affidavit cannot be used for an informal marriage license.
- A person under 18 years of age may not obtain an informal marriage license.
- A person may not obtain an informal marriage license if presently married to someone else.
- The fee is \$46.00

### RETURN OF MARRIAGE LICENSE

The person who performs a marriage ceremony is responsible for returning the marriage license to our office within 30 days from the date of marriage. The license can be returned in the provided envelope or mailed to:

*Terry County Clerk  
500 West Main, Rm 105  
Brownfield, TX 79316*