

RELATIONSHIP

(RSA 457:1-3, 457-A:3, 4 & 8,)

Marriage and civil unions are not permitted in New Hampshire between people who are related by blood as first cousins or in any more direct lineage.

AGE

Marriage (RSA 457:4-9)

A male or female who has reached the age of 18 can marry without parental permission. A female between the age of 13 and 17 years and a male between the age of 14 and 17 years can be married only with the permission of their parent (guardian) and a waiver (See Waiver). A female below the age of 13 and a male below the age of 14 are not allowed to marry under any condition.

The above laws on age apply to New Hampshire residents or to non-residents who desire to marry New Hampshire residents. If both parties are non-residents and are below the age of 18 they cannot be married in New Hampshire under any condition.

Civil Union (RSA 457-A:2)

Civil unions shall only be allowed between one unmarried or un-joined man and another unmarried or un-joined man, both of whom are at least 18 years of age or one unmarried or un-joined woman and another unmarried or un-joined woman, both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4.

RESIDENCE REQUIREMENTS

(RSA 457:22)

To be married or joined together in New Hampshire you do not have to establish residency. A couple wishing to marry or have a civil union in the State of New Hampshire may complete a marriage or civil union application at any New Hampshire city or town clerk's office regardless of their place of residence. This includes out-of-state residents as well. Once a valid marriage or civil union license is issued, the couple will be free to marry or have a civil union ceremony within any city or town in New Hampshire.

FILING INTENTIONS

(RSA 457:22 and RSA 126:24)

Both parties must appear in person to file marriage or civil union intentions as the signature of each applicant is required. However, if either party (or both) is a member of the armed forces, he or she shall forward an affidavit of marriage or civil union intentions, prepared by the armed services legal representative, to the clerk if he or she can not appear in person.

All personal facts relative to the bride and groom and the parents of each shall be entered accurately on the

application. Errors of falsification of any fact can cause great hardship to you at a later date and may make you liable for criminal prosecution.

Marriage/Civil Union License Fee. The marriage or civil union license fee is set by RSA 457:29 and payable to the clerk at the time the intentions are filed. Currently, the fee to file a marriage or civil union license is \$45.00.

ADDITIONAL DOCUMENTS REQUIRED

(RSA 457:23 and RSA 457:28-a)

Applicants. The applicants shall supply to the clerk, prior to the issuance of the marriage or civil union license, the following documents:

- proof of age;
- a certified copy of a death certificate of spouse, if applicant is widowed;
- a certified copy of a final divorce or civil union dissolution decree, if the applicant is divorced or their civil union is dissolved;
- a certified copy of an annulment decree, if the applicant's previous marriage or civil union was annulled.

New Hampshire does not require a blood test.

LICENSE VALIDITY PERIOD

(RSA 457:26-27)

A marriage or civil union license that a city or town clerk issues to the applicants is valid the same day of the application, provided all signatures and statutory requirements are met (i.e. proof of divorce or civil union dissolution, or death of previous marriage or civil union partner). The license shall be valid for a period of not more than 90 days from the date of filing. The marriage or civil union license should clearly state the date the license becomes valid as well as the expiration date. The officiant shall make note of this date and under no circumstances shall the couple be married or joined together after the expiration date.

MARRIAGE AGE WAIVERS

(RSA 457:6 and 27)

When "good/special" cause is shown waivers may be obtained which can alter certain requirements:

Party Under Age. When either of the applicants is not yet 18 years of age but meets the minimum age requirement (female 13-17 and male 14-17) he or she may request permission to marry from a justice of the superior court or a judge of probate of the county in which one of the applicants resides. The request shall be in writing and the parents or guardian of the applicant shall join in the request. The applicant requesting the age waiver shall be a resident

of this state or marrying a resident of this state. *No age waiver shall be granted to persons below the age of consent (18 years old) if both parties are nonresidents.*

SOLEMNIZATION

(RSA 457:31, 31-a, 32, 33 and 37)

In New Hampshire, marriage and civil unions may be performed by:

- a Justice of the Peace commissioned in New Hampshire;
- a minister of the gospel in New Hampshire who has been ordained according to the usage of his denomination, resides in New Hampshire, and is in regular standing with the denomination;
- a minister within his parish, residing outside New Hampshire, but having a pastoral charge wholly or partly in New Hampshire.
- Jewish Rabbis who are citizens of the U.S. and reside in this state;
- Quakers;
- a deacon in the Roman Catholic Church ordained according to the usage of his denomination;
- clergymen who are not ordained and non-resident minister or Jewish Rabbis, **after being licensed by the Secretary of State.**

No one can marry or join together him or herself. Witnesses are not required but permitted if desired.

After the marriage or civil union ceremony is performed, the officiant will return the certificate to the city or town clerk of issuance. You will then need to contact the city or town clerk of issuance to obtain a certified copy of the certificate.

The fee for a certified copy of the marriage/civil union is \$12.00.

A certified copy cannot be issued until the clerk has in his or her possession the completed copy of the certificate from the officiant. Please permit adequate time (approximately two weeks) for this to take place before requesting the certificate.

Fee for Solemnizing: RSA 457:33 states: The persons joined in marriage or civil union by a minister or justice of the peace shall pay the minister or justice a minimum fee of \$5.

Secretary of State Special License: An unordained clergyman who is a resident of this state, and who is a member of, and engaged in the service of a religious body which is chartered by the state, may be issued a special license by the NH Secretary of State to perform a marriage or civil union in New Hampshire if he presents a

certification from that body that states that he or she is in its service.

An ordained minister who is a nonresident may obtain a special license from the Secretary of State authorizing him to marry or join together a couple within New Hampshire. This special license for the nonresident minister is only valid for one particular marriage or civil union.

Jewish Rabbis who are citizens of the U.S., residing out-of-state, may obtain a special license from the Secretary of State, valid for one particular marriage or civil union.

Judges of the United States; RSA 457:32-a, states that the Secretary of State may issue a special license to a Judge of the United States residing in this State or to a United States magistrate judge residing in this state and appointed pursuant to federal law. The fee will be \$25 for each such license.

Justice of the Peace, RSA 457:32, states the secretary of state may issue a special license to an individual residing out-of-state who is authorized or licensed by law to perform marriage or civil unions in such individual's state of residence.

Questions and applications relative to special solemnization licenses should be addressed directly to the Secretary of State, State House, Room 204, Concord, NH 03301. Telephone (603-271-3242).

Secretary of State Fee: The special solemnization license fee is \$25; payable to the Secretary of State.

457-A:1 State Recognition of Civil Unions; Purpose. –

The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the civil union dissolution of a civil union.

Source. 2007, 58:1, eff. Jan. 1, 2008.

457-A:2 Requisites. –

Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried/join together/join together man and another unmarried/join together/join together man both of whom are at least 18 years of age or one unmarried/join together/join together woman and another unmarried/join together/join together woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4 and provided that they are not in another civil union.

Source. 2007, 58:1, eff. Jan.

457-A:3 Civil Unions Prohibited; Men. –

No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

Source. 2007, 58:1, eff. Jan. 1, 2008

457-A:4 Civil Unions Prohibited; Women. –

No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

Source. 2007, 58:1, eff. Jan. 1, 2008.

457-A:5 Forms, Documents, and Applications; How Performed. –

The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

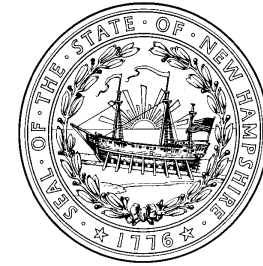
Source. 2007, 58:1, eff. Jan. 1, 2008.

457-A:6 Rights, Obligations, and Responsibilities. –

Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

Source. 2007, 58:1, eff. Jan. 1, 2008.

**Prepared by:
Department of State
Division of Vital Records Administration
71 South Fruit Street
Concord, New Hampshire 03301-2410
(603-271-4650)
NH Toll Free No. 1-800-852-3345 Ext. 4650**



MARRIAGE/ CIVIL UNION IN NEW HAMPSHIRE

