



# San Benito County Clerk Marriage Licenses

## Obtaining a marriage license:

To obtain a marriage license, (except when one party is incarcerated or hospitalized) both parties must appear together at the County Clerk's office located at:

**440 Fifth Street, Room 206  
Hollister, CA 95023**

Marriage licenses are effective immediately and valid for 90 days. Once you have your wedding license the ceremony can be performed at the church of your choice, a wedding chapel, or a Civil Ceremony may be performed.

- A blood test is not required.
- Each person must present one form of valid photo identification with proof of age.
- If either party has been granted a divorce within 90 days of applying for a new marriage license, a copy of the final divorce decree must be presented at the time of issuance

## **CASH FEE ONLY: (NO \$ BILLS OVER \$20 ACCEPTED)**

\$75.00 for a Public Marriage License

\$85.00 for a Confidential Marriage License

## **Public License Requirements:**

- The marriage ceremony may be performed anywhere WITHIN the State of California.
- At least one witness must be present on the day of the ceremony, and that witness must sign the marriage license.

## **Confidential License Requirements:**

- Both parties must swear that they are already living together.
- The marriage ceremony may be performed anywhere WITHIN the State of California.
- No witnesses necessary on the day of ceremony.
- The marriage record will be maintained as confidential and ONLY the contracting parties may purchase certified copies of the marriage certificate and must present valid ID to obtain certified copies. Except by order of the court.

## **Under 18 years of age:**

- This office issues marriage licenses ONLY if both parties are at least 18 years of age. If either party is under 18 years of age, they must obtain written consent of one parent, who has legal custody and a court order filed in Superior Court approving the issuance of a marriage license. The minor must apply for a marriage license in their county of residence. The residence of a minor is, by law, that of the parent or guardian.

Call the San Benito County Clerk's Office at (831) 636-4029 for additional information.

**PUBLIC**

## APPLICATION FOR PUBLIC MARRIAGE LICENSE

<input type="checkbox"/> Groom <input type="checkbox"/> Bride FIRST PERSON DATA	1A. FIRST NAME				1B. MIDDLE					
	1C. CURRENT LAST				1D. LAST NAME AT BIRTH (IF DIFFERENT THAN 1C)					
	2. DATE OF BIRTH (MM/DD/CCYY)		3. STATE/COUNTRY OF BIRTH		4. #PREV. MARRIAGES/SRDP		5A. LAST MARRIAGE/SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A		5B. DATE ENDED (MM/DD/CCYY)	
	6. ADDRESS				7. CITY		8. STATE/COUNTRY		9. ZIP CODE	
	10A. FULL BIRTH NAME OF FATHER/PARENT				10B. STATE OF BIRTH (IF OUTSIDE U.S. ENTER COUNTRY)					
	11A. FULL BIRTH NAME OF MOTHER/PARENT				11B. STATE OF BIRTH (IF OUTSIDE U.S. ENTER COUNTRY)					
<input type="checkbox"/> Groom <input type="checkbox"/> Bride SECOND PERSON DATA	12A. FIRST NAME				12B. MIDDLE					
	12C. CURRENT LAST				12D. LAST NAME AT BIRTH (IF DIFFERENT THAN 12C)					
	13. DATE OF BIRTH (MM/DD/CCYY)		14. STATE/COUNTRY OF BIRTH		15. # PREV. MARRIAGES/SRDP		16A. LAST MARRIAGE/SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A		16B. DATE ENDED (MM/DD/CCYY)	
	17. ADDRESS				18. CITY		19. STATE/COUNTRY		20. ZIP CODE	
	21A. FULL BIRTH NAME OF FATHER/PARENT				21B. STATE OF BIRTH (IF OUTSIDE U.S. ENTER COUNTRY)					
	22A. FULL BIRTH NAME OF MOTHER/PARENT				22B. STATE OF BIRTH (IF OUTSIDE U.S. ENTER COUNTRY)					
AFFIDAVIT	WE, THE UNDERSIGNED DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT WE ARE UNMARRIED AND THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. WE FURTHER DECLARE THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US. WE ACKNOWLEDGE RECEIPT OF THE INFORMATION REQUIRED BY FAMILY CODE SECTION 358 AND HEREBY APPLY FOR A LICENSE AND CERTIFICATE OF MARRIAGE.									
	23. SIGNATURE OF PERSON LISTED IN FIELDS 1A-1D				24. SIGNATURE OF PERSON LISTED IN FIELDS 12A-12D					
	THIS FIELD RESERVED FOR USE BY COUNTY CLERK STAFF: ISSUE DATE (MM/DD/CCYY) _____ MARRIAGE LICENSE NUMBER _____ BY ►									
SEE REVERSE SIDE RE: NEW NAMES (IF ANY)	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 1A-1D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (SEE REVERSE FOR INFORMATION)									
	30A. FIRST – MUST BE SAME AS 1A			30B. MIDDLE			30C. LAST			
	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 12A-12D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (SEE REVERSE FOR INFORMATION)									
	31A. FIRST – MUST BE SAME AS 12A			31B. MIDDLE			31C. LAST			

DO NOT WRITE IN THIS BOX – FOR OFFICIAL USE ONLY

LICENSE/I.D. _____ NAME: _____ ISSUE DATE: _____ EXPIRATION DATE: _____ TELEPHONE NO.: _____	LICENSE/I.D. _____ NAME: _____ ISSUE DATE: _____ EXPIRATION DATE: _____ TELEPHONE NO.: _____
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To ensure that the correct marriage license is issued to you, please provide the information requested below:  
 The person performing this marriage ceremony is (check one):

Clergy person (minister, priest, rabbi, etc.)  
 Judge  
 Commissioner or Deputy commissioner of civil marriages  
 Other (specify) \_\_\_\_\_

- ◆ With this application, you are applying for a public marriage license issued pursuant to Family Code Section 359.
- ◆ When you sign this application, you are stating under penalty of perjury that you are 18 years of age or over, unmarried, the information you have provided is true and correct and that there is no legal objection to the marriage.
- ◆ **You have reviewed the information on the reverse side of this application pertaining to the New Names (If Any) fields, and understand the information in the new name fields 30A thru 31C cannot be changed or amended after the license is issued by this office.**
- ◆ You may be married anywhere in California in the presence of at least one witness, and your marriage must be solemnized by a person authorized to perform marriages in California as provided for in Family Code Sections 400-401.
- ◆ Marriage licenses are valid for 90 days from the date of issuance. You must be married on or after the issuance date, and on or before the expiration date of the license. Licenses not used within this timeframe are void.
- ◆ No refunds are given for marriage licenses purchased in error.
- ◆ The cost of this application for a public marriage license is : **\$ 75.00 CASH ONLY**

### **INFORMATION REGARDING THE NAME EQUALITY ACT OF 2007**

One or both parties to a marriage may elect to change the middle or last names by which that party wishes to be known after they are married by entering the new name in fields 30A thru 31C, as applicable, on the marriage license application ***at the time they are applying for the marriage license***. The parties may choose any of the following ***middle or last names*** as the name they wish to be known as after marriage [FC § 306.5(b)(2)]:

- ◆ Current last name of the other spouse
- ◆ Last name of either spouse given at birth
- ◆ A name combining into a ***single last name*** all or a segment of the current last name or last name of either spouse given at birth
- ◆ A hyphenated combination of last names

**NOTE:** You may ***not*** change your ***first name*** using this process. **IMPORTANT:** You ***may not*** amend the marriage license ***after it has been issued to add or change the name you wish to be known as after you are married. The name you indicate on the marriage license application will be your name on the marriage license/certificate and cannot be changed by the County Clerk.***

**You are not required to change your name, nor are parties required to have the same name.**

**If one or both parties do not wish to identify a new name on the marriage license, fields 30A thru 31C, as applicable, on the marriage license will be completed with two single dashes. You may not change the information on the marriage license after it has been issued by the County Clerk.**

The marriage certificate is used by multiple local, state, federal and private agencies, each of which have different rules and/or regulations regarding what documents are acceptable to change your name on their records following marriage. It is recommended that you contact these agencies to verify their requirements ***prior to applying for your marriage license***.

It is unlawful for our employees to answer questions of a legal nature. County Clerk staff cannot advise you how to complete the marriage license application as it relates to your entry of a new name or retention of your former name on the marriage license application. For your protection, if you have ***any*** questions regarding whether you should or should not list your new name on the marriage license application, and/or how the Name Equality Act of 2007 may affect you, please consult an attorney ***prior to applying for your marriage license***.

**IMPORTANT NOTICE TO  
COUPLES GETTING MARRIED**

1. The marriage license is a license or permit to get married and you are not married until the marriage is solemnized (ceremony is performed). *Due to budget and space limitations, this office does NOT perform marriage ceremonies on premises.*
2. You must present your marriage license to a clergyman or judge to marry you. Persons authorized to solemnize: any judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, justice court judge in this state, by any judge or magistrate of the U.S. or by any priest, minister, pastor or rabbi of any religious denomination of the age of 18 or over. A marriage may also be solemnized by a judge or magistrate who has resigned from office.
3. The marriage license is only valid for 90 (ninety) days from the date of issuance.
4. If you purchased a *public license*, you must make sure you have at least one witness present during the ceremony and that he/she signs in the corresponding section of your license.
5. **TO THE PERSON SOLEMNIZING THE MARRIAGE:** In the section where you write the date of the marriage; please be sure to write only numerical format. Do not write the full month name. In the section where it asks for city and county, please be sure to write city and county, not city and state. i.e.: If the ceremony was performed in Hollister, San Benito County, the license should state:

Hollister San Benito  
City/Town County

Also, be sure to state your religious denomination and not the name of the church or establishment where ceremony was performed. Under section requesting official title, please make sure to state your title in accordance to persons authorized to solemnize. (See #2)

6. A duplicate license will be required if there are any alterations, erasures, or strikeovers on the documents or if there is use of any correction fluids. A fee of \$20.00 will be charged for a duplicate.
7. The original marriage license must be returned within ten (10) days after the ceremony.

Please mail to: San Benito County Clerk.  
Attention: Department of Vital Records  
440 Fifth Street, Room #206  
Hollister, CA 95023

8. Certified copies of your marriage license are available 1-2 (one to two) weeks after the completed license is returned to the county for filing. The fee is \$15.00 per copy. **(YOU MUST PURCHASE A CERTIFIED COPY OF YOUR MARRIAGE LICENSE IF YOU DESIRE ONE, YOU WILL NOT AUTOMATICALLY RECEIVE COPY SEE FEE ABOVE).**

9. TO ORDER CERTIFIED COPIES: If you purchased a public marriage license, you or anyone authorized may come in and purchase a copy for you or you may send the request form provided to you when you purchased your license along with a self-addressed stamped envelope to the San Benito County Clerk. If you have lost the form, simply send a notarized note stating your request and be sure to include the names of both parties (if female, state maiden name) and date of marriage, along with a self-addressed stamped envelope.

If you purchased a confidential marriage license, only the parties to the marriage may come in and purchase a copy upon presentation of a picture identification or you may send the request form signed and notarized, provided to you when you purchased your marriage license along with a copy of your driver's license, and a self-addressed stamped envelope to the address above.

**Your license will be rejected if it has:**

- Corrections
- White-outs
- Strikeovers

**Please note:**

- This is a license or permit to get married and you are not married until a marriage ceremony is performed.
- You must present this license to the person who is to perform the marriage ceremony.
- This license is valid for ninety (90) days and is void if not used before the expiration date stated on the license.
- Certified copies of license must be requested and paid for; they will not be sent automatically.

If you have any questions concerning the Social Security Administration, please call 1-877-452-4198.

SORRY, we do not carry their applications and they no longer come to the Hollister area.

## APPLICATION FOR CERTIFIED COPY OF A MARRIAGE CERTIFICATE

Effective January 1, 2010, California State Law, Health and Safety Code Section 103526, permits only authorized persons as defined below to receive certified copies of marriage records.

**Note:** If the marriage license was not issued in San Benito County, then the San Benito County Clerk/Recorder will not have the marriage certificate. Please order the marriage certificate from the Recorder or County Clerk of the county where the license was issued.

**Fees: \$15 per copy (payable to San Benito County Clerk).** If no record of the marriage is found, the \$15 fee will be retained for searching the record (Health & Safety Code Section 103650) and a Certificate of No Record will be issued to the applicant. Copies may be obtained in person or by mail at:

**San Benito County Clerk/Recorder, 440 Fifth Street, Rm. #206, Hollister, CA 95023**

### Please indicate the type of certified copy you are requesting:

Non-confidential (public) marriage certificate:

To receive a **Certified Copy** I am:

- The registrant (one of the parties to the marriage)**
- A parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant**
- A party entitled to receive the record as a result of a court order (include a certified copy of the court order with this request)**
- A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business**
- An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate (if by power of attorney, include a copy of the power of attorney with this request)**

Those who are not authorized by law to receive a certified copy of a non-confidential (public) marriage record will receive a certified copy marked "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY"

Confidential marriage certificate:

To receive a **Certified Copy** I am:

- One of the parties to the confidential marriage**
- A party entitled to receive the record as a result of a court order (include a certified copy of the court order with this request)**

Those who are not authorized by law to receive a certified copy of a confidential marriage record will receive a letter confirming the existence of a confidential marriage pursuant to Family Code Section 511(c).

**For Office Use Only:**

Type of ID presented: \_\_\_\_\_

ID #: \_\_\_\_\_

Issued: \_\_\_\_\_ Expires: \_\_\_\_\_

DO NOT complete the rest of this form before reading the detailed instructions on Page 3.

### APPLICANT INFORMATION (PLEASE PRINT OR TYPE)

Printed Name and Signature of Person Completing Application		Today's Date	Telephone Number – Area Code First ( )	
Address – Number, Street		City	State	ZIP Code
Name of Person Receiving Copies, if Different From Above	No. of Copies	Amount Enclosed	Purpose of Request	
Mailing Address for Copies, If Different From Above	City		State	ZIP Code

### NAMES OF BOTH PARTIES TO THE MARRIAGE (PLEASE PRINT OR TYPE)

First Name	Middle Name	Last Name as listed on marriage certificate
First Name	Middle Name	Last Name as listed on marriage certificate
Date of Marriage – Month, Day, Year	County Where License was Issued	County of Marriage

**SWORN STATEMENT**

I, \_\_\_\_\_, declare under penalty of perjury under the laws of the State of California,  
(Applicant's Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the marriage certificate of the following individual(s):

Name of Person Listed on the Marriage Certificate	Applicant's Relationship to the Person Listed on the Marriage Certificate (must be relationship listed on page 1 of application)

(The remaining information must be completed in the presence of a Notary Public or County Clerk staff.)

Subscribed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_,  
(Day) (Month) (City) (State)

\_\_\_\_\_  
(Applicant's Signature)

*Note: If submitting your order by mail, you must have your signature on the Sworn Statement notarized using the Certificate of Acknowledgment below. The Certificate of Acknowledgment must be completed by a Notary Public. (Law enforcement and local and state governmental agencies are exempt from the notary requirement.)*

**CERTIFICATE OF ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

On \_\_\_\_\_, before me, \_\_\_\_\_, personally  
(Insert your name and title)

appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.**

WITNESS my hand and official seal.  
(NOTARY SEAL)

\_\_\_\_\_  
NOTARY SIGNATURE

## INSTRUCTIONS:

1. **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Marriage Record. (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, "Informational, Not a Valid Document to Establish Identity."
2. Complete a separate application form for each record of marriage requested.
3. Provide as much information as possible to help us locate the specific record you are requesting. Complete **First Person and Second Person Information** for marriage requests. If the information you provide is incomplete or inaccurate, we may not be able to locate the record.
4. **SWORN STATEMENT:**
  - The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring, under penalty of perjury, that they are eligible to receive the certified copy of the marriage record, and identify their relationship to the registrant (person listed on the certificate) – the relationship must be one of those identified on Page 1.
  - If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement.**
  - You do not have to provide a Sworn Statement if you are requesting a certified informational copy of the marriage record,
5. Submit \$15 for **each** certified copy requested. If no record of the marriage is found, the fee will be retained for searching the record (as required by law) and a Certificate of No Public Record will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check, postal or bank money order (International Money Order for out-of-country requests) made payable to the **San Benito County Clerk**. PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH. (San Benito Clerk cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered.)
6. Mail this application with the fee(s) and a self-addressed stamped envelope to:

San Benito County Clerk/Recorder  
440 Fifth Street, Room #206  
Hollister, CA 95023  
831-636-4029 (phone)  
831-636-2939 (fax)
7. Credit card orders may be processed on-line at [www.vitalchek.com](http://www.vitalchek.com). Additional costs apply for processing orders using a credit card. Please follow the directions on Vitalchek's website if ordering using a credit card.

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MARRIAGE RECORD