

Commonwealth of Massachusetts
Registry of Vital Records and Statistics

Marriage Fact Book

January 2025

Part I: Intentions

Part II: License/Certificate

Part III: Affidavit and Correction (Amendments)

Part IV: Voiding a Marriage

Appendices

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Part I: Intentions

This is the newest form: FRONT



The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

Intention No. _____

NOTICE OF INTENTION OF MARRIAGE

The following notice of intention of marriage is hereby given in compliance with law.

1. _____, 20_____

2. TO THE CLERK OF _____, MASSACHUSETTS

PARTY A (Please Print)

3. PRESENT NAME: (First, Middle, Last)

3A. FULL NAME TO BE USED AFTER MARRIAGE:

4. DATE OF BIRTH: (Month, Day, Year) 4A. AGE:

5. OCCUPATION: _____

6. RESIDENCE: _____
(Number and Street)

(City/Town, State/Country, Zip Code)

7. THIS MARRIAGE 7A. Status of last marriage
(1st, 2nd, 3rd): _____
 Widowed Divorced
 Void or annulled by court order
 Void, under former GL c.207/§11 or
by operation of law at time of marriage
If void, see reverse for required evidence

7B. Is there any reason why you would be prohibited
from marrying in Massachusetts due to the laws
of another state or jurisdiction? Yes No

8. BIRTHPLACE: (City/Town) (State/Country)

9. NAME OF PARENT (1) (First, Middle, Last) (Surname at birth or adoption)

10. NAME OF PARENT (2) (First, Middle, Last) (Surname at birth or adoption)

11. RELATED by blood or marriage to Party B? Yes No
If yes, how? _____

PARTY B (Please Print)

12. PRESENT NAME: (First, Middle, Last)

12A. FULL NAME TO BE USED AFTER MARRIAGE:

13. DATE OF BIRTH (Month, Day, Year) 13A. AGE:

14. OCCUPATION: _____

15. RESIDENCE: _____
(Number and Street)

(City/Town, State/Country, Zip Code)

16. THIS MARRIAGE 16A. Status of last marriage
(1st, 2nd, 3rd): _____
 Widowed Divorced
 Void or annulled by court order
 Void, under former GL c.207/§11 or
by operation of law at time of marriage
If void, see reverse for required evidence

16B. Is there any reason why you would be prohibited
from marrying in Massachusetts due to the laws
of another state or jurisdiction? Yes No

17. BIRTHPLACE: (City/Town) (State/Country)

18. NAME OF PARENT (1) (First, Middle, Last) (Surname at birth or adoption)

19. NAME OF PARENT (2) (First, Middle, Last) (Surname at birth or adoption)

20. RELATED by blood or marriage to Party A? Yes No
If yes, how? _____

PENALTY: M.G.L. c.207 §52 "...whoever falsely swears or affirms in making any statement required...shall be punished by a fine..."
I have reviewed a list of impediments to marriage and hereby state that there is an absence of any legal impediment to this marriage
and do hereby depose and say that all of the statements as set forth in the above notice whereof I could have knowledge are true
and are made under the penalties of perjury (M.G.L. c.4 §6, Rule 6 General Laws).

Party A (Signature) _____ | Party B (Signature) _____

Subscribed and sworn to, before me, this _____ day of _____, 20_____

Registrar, Clerk, or Assistant Clerk designated to administer oaths: _____

Marriage Certificate Issued: _____, 20_____ Not Valid After: _____, 20_____
(60 days from date intention is filed. M.G.L. c.207 §20)

This form should be hand-written by the applicants – English only

This is the newest form: BACK

NOTICE OF INTENTION OF MARRIAGE
(Reverse)

Last Marriage Void or Annulled

If last marriage was void or annulled (questions 7A and 16A) count the number of this marriage (item 7) as if the void/annulled marriage never occurred. Check below for evidence provided:

Party A

- Last marriage was previously determined to be void or annulled and the certificate on file with the Massachusetts clerk who issued the license and with the Registry of Vital Records and Statistics was marked accordingly.
- Court Order of Annulment
- Court Order Voiding Last Marriage
- A certified copy of the last Notice of Intention of Marriage that contains sufficient information to determine that last marriage was void under former M.G.L. c.207 §11 (repealed) or by operation of law at the time of marriage.
- Affidavit if intended parties are different.
- Other evidence sufficient to determine that the last marriage was void under former M.G.L. c.207 §11 (repealed) or by operation of law at the time of marriage. *Specify:*

Party B

- Last marriage was previously determined to be void or annulled and the certificate on file with the Massachusetts clerk who issued the license and with the Registry of Vital Records and Statistics was marked accordingly.
- Court Order of Annulment
- Court Order Voiding Last Marriage
- A certified copy of the last Notice of Intention of Marriage that contains sufficient information to determine that last marriage was void under former M.G.L. c.207 §11 (repealed) or by operation of law at the time of marriage.
- Affidavit if intended parties are different.
- Other evidence sufficient to determine that the last marriage was void under former M.G.L. c.207 §11 (repealed) or by operation of law at the time of marriage. *Specify:*

Affidavit if intended parties are different.

Affidavit if intended parties are different.

Proof of Age (M.G.L. c.207 §33A)

The clerk or registrar shall not receive a notice of the intention of marriage of a person under the age of 18. The clerk or registrar shall not issue a certificate before receiving proof of age of the parties and verifying that both parties are not less than 18 years of age. Such proof shall be contained in any of the following documents, graded and taking precedence in the following order:

Party A

- Certified copy of a record of birth
- Certified copy of a baptismal record
- Passport
- Life insurance policy
- Employment record
- School record
- Immigration record
- Naturalization record
- Court record
- Other _____

Party B

- Certified copy of a record of birth
- Certified copy of a baptismal record
- Passport
- Life insurance policy
- Employment record
- School record
- Immigration record
- Naturalization record
- Court record
- Other _____

Other information relevant to the preparation of a Certificate of Marriage (optional, as needed):

I am satisfied with the documentary evidence presented.

(Registrar, Clerk, or Assistant Clerk designated to administer oaths)

Date _____

LEGAL IMPEDIMENTS TO MARRIAGE

Massachusetts statutes list specific reasons why parties may not legally marry in Massachusetts. These reasons are:

- Age of party
- Consanguinity or affinity between parties
- Existing marriage

It is the city or town clerk's responsibility to make sure that each party who intends to marry is made aware of legal impediments to marry. RVRS provides a list of Massachusetts impediments for your office to **post in a public area** (available from RVRS in several languages for reference). You must direct all applicants to read the posted impediments and you must satisfy yourself that both parties have read and understood the list of Massachusetts impediments. Clerks also may review the list of impediments to be satisfied that there are no impediments to marriage based on the facts listed in the Intention.

The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

When filing notice of intention of marriage, both parties to the intended marriage are required to sign the intention under oath. (See Chapter 207, Sections 19 and 20.)

SECTION 52. Whoever violates any provision of section twenty, and whoever falsely swears or affirms in making any statement required under section twenty, shall be punished by a fine of not more than one hundred dollars. (Chapter 207, Section 52.)

LEGAL IMPEDIMENTS TO MARRIAGE

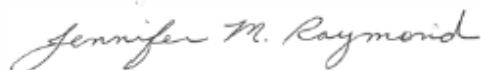
(Prepared under the provisions of Chapter 207, Section 37, General Laws, Ter. Ed.)

No man shall marry his mother, grandmother, daughter, granddaughter, sister, stepmother, grandfather's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister. (Chapter 207, Section 1.)

No woman shall marry her father, grandfather, son, grandson, brother, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother. (Chapter 207, Section 2.)

A marriage contracted while either party thereto has a former wife or husband living (except as provided in Section 6 of Chapter 207 and in Chapter 208 of the General Laws, Ter. Ed., as amended) shall be void.

The marriage of a person under the age of eighteen years, except as provided in Chapter 207, Section 25, General Laws, Ter. Ed. as amended, is prohibited.



Registrar of Vital Records and Statistics

This form should be on public display.

Prerequisites for Parties Intending to Marry in Massachusetts

If the party to be married is not a Massachusetts resident, the party must still satisfy age requirements of Massachusetts law. This means that a non-resident must be *at least* 18 years of age to marry in Massachusetts;

For all marriage intentions, Clerks must mark the checkbox on the reverse of the Intention that corresponds to the evidence presented and sign in the space provided. Your signature will indicate that you were satisfied with the evidence presented. Maintaining copies of the proof of age is not necessary.

In the event that you are presented with a court order after October 26, 2022 that authorizes the marriage of a party under 18 years of age, please contact the Registry for further guidance.

Before an Intention is signed under oath, it is important that certain criteria are met.

These criteria include:

- Prerequisites with time limitations: waiting period (*see below*).
- Absence of Legal Impediments to Marriage: age; consanguinity/affinity; or an existing marriage.
- Requirements to appear, swear, and sign under oath

Prerequisites with Time Limitations

There are several areas where timing of the Intention, license, and related documentation and circumstances are factors in producing a valid, legal, document.

- Waiting period between Intention and license.
- Divorce date (see section on impediments: "Existing Marriage")

Waiting Period

The mandatory waiting period between the date Intentions are filed and the date the license can be issued is three (3) days.

The three days are *calendar* days, so Sundays and holidays are to be included in the calculation.

The day the application is filed should not be included.

For example, parties filing Intentions on Friday could not obtain their license before Monday. If Monday is a holiday, then the parties should be made to know that your office will be closed and that the license cannot be issued before Tuesday (even though the license would, in fact, be valid on Monday). However, if the parties file Intentions on a Tuesday, and Wednesday is a holiday, the license can be issued on Friday.

There are specific statutory exceptions to the mandatory three-day waiting period:

1. **Court Waiver** - Parties, *after* filing Intentions, may petition a judge of a probate or district court for a waiver to the three-day waiting period (G.L. c.207 §30). Upon such order, the license may be issued without delay. The parties, prior to issuance of the license, must present to you a certified copy of the court order that will be retained as evidence which will be submitted to RVRS with the original Certificate following registration.
2. **Imminent Death** - If the death of either party is imminent, a license may be issued without delay upon request of a minister, clergyman, priest, rabbi, authorized representative of a Spiritual Assembly of the

Baha'is or attending physician. The request must be notarized and should include a statement that the possibility of death before three days exists (G.L. c.207 §30).

3. Non-US Citizens - If either party to the marriage has immigrated from a foreign country within five days of the wedding, the Intentions may be filed at any time before the wedding and the license may be issued any time after filing Intentions (G.L. c.207 §29). Non-US Citizenship papers are to be shown to the city/town clerk, who will make a true copy attest to be maintained as evidence with the original Certificate following registration.

Evidence for waivers of the statutory waiting period must be filed with the original Certificate following registration. These types of evidence must be retained because they demonstrate that specific criteria were fulfilled to waive the usual process. Mark the margin of the license with the appropriate legal reference as indicated above and retain the evidence with your copy (in these cases, evidence does need to be mailed in to RVRS with the marriage record).

Consanguinity or Affinity

Massachusetts statutes (G.L. c. 207, §§1 and 2) list specific relationships between parties, relatives by blood and by marriage, that prohibit two people from marrying each other. These impediments are listed on the RVRS poster "Legal Impediments to Marriage" that you make available to all applicants. Please note that even though some Massachusetts statutes are written with the terms "man" and "woman", Massachusetts statutes also provide that "words of one gender may be construed to include the other gender and the neuter." (G.L. c.4 §6 cl.4.) Where G.L. c. 207 §1 states "No man..." substitute the phrase "No party..." Where G.L. c. 207 §1 states "No woman..." substitute the phrase "No party..."

If, on the Notice of Intention, the parties indicate that they are related by blood or marriage, the parties must both complete the item "If yes, how?"

Responses must be clearly written for the clerk to understand (for example, "Second Cousin" not "Distant Relative").

Even though some Massachusetts statutes are written with the terms "man" and "woman", Massachusetts statutes also provide that "words of one gender may be construed to include the other gender and the neuter." (G.L. c.4 s.6 cl.4.) Where G.L. c. 207 s.1 states "No man...", substitute the phrase "No party...". Where s.2 states "No woman...", substitute the phrase "No party...".

- At this time, you should call the parties' attention to the list of Massachusetts impediments. You must be satisfied that each party has read and understood the impediments and that, after reading and understanding the impediments, both are willing to sign under oath that they are not prohibited from intermarrying by Massachusetts law. Clerks may also review the list of impediments to be satisfied that there are no legal impediments to the marriage based on the facts listed in the Intention.
- "A marriage solemnized within the Commonwealth which is prohibited by reason of consanguinity or affinity between the parties [. . .] shall be void without a judgment of divorce or other legal process." G.L. c.207 §8.

Existing Marriage

A party may not marry if they are currently married to someone else. Chapter 207 §4 states that "A marriage contracted while either party thereto has a former wife or husband living [. . .] shall be void." (G.L. c.207 §4)

Marriages can be terminated or deemed never to have existed in the following ways:

- Absolute Divorce (see section “Prerequisites with Time Limitations”)
- Death of a Former Spouse and Widowhood
- Declared void or annulled by court order (this would make that marriage not count as far as the number of marriages goes (Church/religious annulments would count as far as number of marriages))
- Void by operation of G.L. c.207 §§1, 2 and 8 (Consanguinity and Affinity)
- Void by operation of former G.L. c.207 §11.

The clerk taking the Intention must verify the current marital status of an individual who checks item 7A or 15A. Under state law, Certificates of Marriage are required to reflect the number of the marriage and if previously married whether widowed or divorced (G.L. c.46 §1). If the party’s last marriage ended in divorce or widowhood, this fact will be reflected in items 7A and/or 15A of the Certificate of Marriage. If a party’s last marriage was deemed void or annulled, then item 7A and/or 15A of the Certificate should reflect the party’s next previous marriage if it ended in divorce or widowhood.

Divorce

Items 7 and 15: All marriages terminated by final divorce are to be counted in the number of marriages in items 7 and 15 of the Intention. A divorce terminates a marriage, but does not render it void or annulled.

Items 7A and/or 15A: An applicant’s marking “divorced” in item numbers 7A or 15A of the Intention and their willingness to sign under oath generally are sufficient evidence of divorce *provided that you verify to your satisfaction that the divorce is absolute or final*. A copy of a divorce certificate is not generally required unless the clerk has reason to doubt the oath of the parties.

The date of the Absolute Divorce must be **prior** to date that the Intentions are filed.

Intentions must not be filed until the divorce of one or both parties is final (absolute). “After a judgment of divorce has become absolute, the divorced person may marry again as if the former spouse were dead.” (G.L. c.208 §24).

It is important that you verify of any party who indicates that their last marriage ended in divorce that the divorce is currently absolute or final. In Massachusetts, the date that the divorce is granted is called the divorce *nisi*, but the date that the divorce is actually final (absolute) is called divorce absolute and does not occur until 90 days after divorce *nisi*. During these 90 days, the party is *still married*.

If either party was divorced in another state or jurisdiction, it may be necessary to ask for additional evidence. Because divorce statutes of other states and jurisdictions may change over time, it is not possible to list rules for other states and jurisdictions here.

If, on the Intention, either party lists “Divorced,” the clerk should make sure that the applicant understands the significance of “absolute” divorce and inquire as to what jurisdiction the divorce took place.

- If the divorce took place in Massachusetts, ask if the divorce was granted within the last four months. If yes, it is recommended that you request to see a certified copy of the divorce decree to verify that the divorce is final (absolute), and not in the pending status of divorce *nisi*.
- If the divorce took place in another jurisdiction, ask if the divorce was granted within the past year. If yes, it is recommended that you request to see a certified copy of the divorce decree to verify that the divorce is final (absolute).

If the decree does not specifically list the effective date of divorce, or the parties cannot produce evidence of the divorce, then you may use your discretion to consider as evidence the fact of both parties being willing to swear and sign under oath that there are no impediments to marriage. In this circumstance, when administering the oath, it is recommended that the clerk taking the Intention ask

the parties to expressly swear or affirm that Party A or B's last marriage ended in a final divorce, that there is an absence of any legal impediment to this marriage, and that all the statements as set forth in the Notice of Intention whereof the party could have knowledge are true and made under penalties of perjury.

Death of a Former Spouse and Widowhood

Items 7 and 15: All marriages terminated by death are to be counted in the number of marriages in items 7 and 15 of the Intention.

Items 7A and 15A: An applicant's marking "widowed" in item number 7A of the Intention and their willingness to sign under oath generally is sufficient evidence of widowhood. A copy of a death certificate is not required unless the clerk has reason to doubt the oath of the parties.

Declared void or annulled by court order

Items 7 and 15: The last and any other marriages declared void or annulled by court order are considered to never to have existed in law and should not be counted toward the number of marriages in items 7 and 15 of the Intention.

Items 7A and 15A: An applicant who marks the box "Void or annulled by court order" on the Intention should provide evidence of the court order declaring the last marriage void or annulled.

Evidence

- The clerk taking the Intention must review a certified copy of the court judgment and transmit the certified copy to RVRS with the new marriage record. The clerk may retain an attested copy or request another certified copy for their own records.
- If you are not the custodial clerk of the last Massachusetts marriage record, then you must also transmit a certified or attested true copy of the court order to the custodial clerk.
 - Exception: If the clerk taking the Intention can verify from their own records and with RVRS that the record of the applicant's last Massachusetts marriage record was previously marked "void" or "annulled" by court order, no further evidence or action shall be required.
 - Exception: If the clerk taking the Intention can verify from the records of a clerk of another Massachusetts city or town and with RVRS that the last Massachusetts marriage record was marked "void" or "annulled" by court order, no further evidence or action shall be required.

A religious (eg. Church) annulment of marriage does not annul or void a marriage certificate. If the marriage was declared annulled by a church or other religious entity, but not by court order, the civil marriage is considered still in existence and no marriage license may be issued, in other words, they would still need to get divorced. Applicants may be advised to consult an attorney who specializes in domestic relations.

Domestic Partnerships and Civil Unions

Domestic partnerships and civil unions are **not** an impediment to marriage under Massachusetts law. It is the responsibility of the party(-ies) to indicate if there is reason why they would be prohibited from marrying in Massachusetts due to a civil union or domestic partnership in another state or jurisdiction in lines 7B and 15B.

INSTRUCTIONS FOR COMPLETION OF INTENTIONS

The instructions below are for completing a Notice of Intention of Marriage. This form is used to record the Intentions, and take oaths, of persons wishing to marry within Massachusetts. It is also used to transcribe certain information that will be later needed to complete the Certificate of Marriage¹.

THE INTENTION IS A PERMANENT RECORD

The Notice of Intention of Marriage must be created with approved recording materials under Public Records Law.

- Use only RVRS-distributed forms. Forms provided by RVRS meet paper and ink requirements for historic preservation.
- Use only permanent black ink when completing the Intention by hand, typewriter, or computer. In most communities, the parties intending to marry will complete the Intention in their own handwriting. Providing a black pen for the parties to use is a good method to ensure that the form will be completed with the proper ink for archiving purposes.
- Refer to the Public Records Division of the Office of the Secretary of State for guidelines on preserving these documents in your office.

EACH ITEM MUST BE COMPLETED

- All fields are mandatory. If an item is not applicable (see item descriptions beginning on p.12), insert three dashes ("---") in appropriate text fields. In this way, you can be certain that all items were completed properly, and not skipped inadvertently. If parties decline to provide information on the Intention, tell the parties that you cannot issue a license based on an incomplete application.



All fields are mandatory, except those 'not applicable'

¹ The "Certificate of Marriage" ("Certificate") is also known as the "marriage license" when it is at the stage between the time the form is issued for completion by the solemnizer and prior to registration.

This form must be completed in English.

Form R-202/2024



Should say 2024

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

NOTICE OF INTENTION OF MARRIAGE

The following notice of intention of marriage is hereby given in compliance with law.

1. _____, 20_____

, MASSACHUSETTS

2. TO THE CLERK OF _____

PARTY A (Please Print)

3. PRESENT NAME: (First, Middle, Last)

3A. FULL NAME TO BE USED AFTER MARRIAGE:

Must be
city/town
even if
outside USA

4. DATE OF BIRTH: (Month, Day, Year)

4A. AGE:

5. OCCUPATION: _____

6. RESIDENCE: _____
(Number and Street)

(City/Town, State/Country, Zip Code)

7. THIS MARRIAGE

(1st, 2nd, 3rd): _____

7A. Status of last marriage

Widowed Divorced
 Void or annulled by court order
 Void, under former G.L. c.207§11 or
by operation of law at time of marriage
If void, see reverse for required evidence

Make sure that English
spelling is used (Brazil,
not Brasil)

7B. Is there any reason why you would be prohibited
from marrying in Massachusetts due to the laws
of another state or jurisdiction? Yes No

8. BIRTHPLACE: (City/Town) (State/Country)

9. NAME OF PARENT (1) (First, Middle, Last) (Surname at birth or adoption)

10. NAME OF PARENT (2) (First, Middle, Last) (Surname at birth or adoption)

11. RELATED by blood or marriage to Party B? Yes No
If yes, how? _____

PENALTY: M.G.L. c.207 §52 "...whoever falsely swears or affirms in making any statement required...shall be punished by a fine..."

I have reviewed a list of impediments to marriage and hereby state that there is an absence of any legal impediment to this marriage
and do hereby depose and say that all of the statements as set forth in the above notice whereof I could have knowledge are true
and are made under the penalties of perjury (M.G.L. c.4 §6, Rule 6 General Laws).

Party A (Signature) _____

Party B (Signature) _____

Subscribed and sworn to, before me, this _____ day of _____, 20_____

Registrar, Clerk, or Assistant Clerk designated to administer oaths: _____

Marriage Certificate Issued: _____, 20_____

Not Valid After: _____, 20_____

(60 days from date intention is filed, M.G.L. c.207 §20)

Signature should
match the name on
field #3

Issue date is 3 days
after this date
including the 3rd day.

On-line Ministries

- Always a good idea to ask applicants who will be officiating the ceremony.
- Clergy without brick-and-mortar locations, (church, synagogue etc.) MUST be registered with the Secretary of State's Office; **Solemnizers who are online (not from a brick-and-mortar institution) must register with the Sec. of State's Office – once registered they will not need a One Day Certificate every time – however, you should always call the Sec. of State to make sure.**
- Online officiants registered w/ Sec. of State since 2015 do not need to re-register for each wedding
- Call Secretary of State's Office 617-727-7030 to check on solemnizer registrations **before** registering a marriage.
-

(Each party shall complete one column. Parties should decide for themselves who will be Party A and who will be Party B.)

Intention No.

The Intention number is **your internal number**. It should be consecutive by date Intention was filed and begin with "1" on each new calendar year. This will help to easily complete your requirement to report numbers of Intentions. A suggested format is: YYYY-#### (e.g., 2009-0038). If the record is impounded/restricted the Intention number field should contain the designation "R" (restricted) or "IMP" (impounded) clearly marked next to or above the Intention number. For certified copies, the "R" or "IMP" should be covered and not visible on the copy.

1. Date of Intention

This is the date that the Intention is completed by the parties. The month and year should be spelled out, and the year must include the century. The current form includes the century prefix, so that dates should be completed as in this example:

August 25, 2010

Clerks may pre-enter this item for the parties.

2. City/Town

Complete the blank line with the name of the City or Town that is taking the Intention. Parties should write the proper name of the city or town (no villages/neighborhoods are allowed. For example, "Barnstable," not "Hyannis." Clerks may pre-enter this item for the parties.

3. & 11. Present Name

Applicants must provide their current name - first, middle, and last - that is normally used for legal documents. ***Nicknames must not be used. AKA's are not allowed – make sure that the parties understand the importance of this. Signature on 11 should match the name in 3.***

3A. & 11A. Full name to be used after Marriage MGL Ch 46 S1D

Applicants must provide the chosen name to be used after marriage. Either party may continue to use their current name, use the last name as the middle name, take the surname of the other party, hyphenate a combination of middle/surnames, or use any other middle/surname that the party intends to use as long as there is no intent to defraud.

Note that the Intention Form does not distinguish between middle and last names. If just first and last name, dashes are fine for middle name. **Change to first name:** It should be noted that the Social Security Administration does require a legal name change through probate court and will not accept the marriage record by itself as a name change. **Do not use dashes if no middle name is used** – use a dash only to hyphenate the first or last name if they choose.

4. & 12. Date of Birth

Applicants are to provide their dates of birth, spelled out in this format: Month Day, Year (e.g., October 11, 1975). Numeric or other formats can be confusing, especially if the applicant is a non-U.S. resident.

4A. & 12A. Age

Applicants are to provide their current age and Clerks must verify this item. See section "Prerequisites to Notice of Intention of Marriage" on the reverse side of the intention form for a list of acceptable proofs of age.

5. & 13. Occupation

Applicants are to provide their current occupation (have them try and avoid using acronyms). If retired or on leave, applicants should write a response that indicates their most recent occupation (e.g., "Retired Pipefitter"). Note that if either party indicates an occupation within law enforcement, public safety, or family planning, the Intention and marriage record may require redaction of address information according to public records law (G.L. c.66 §10) (see section "Access & Issuing Copies").

6. & 14. Residence

Enter the number and street, including prefixes, directionals, and apartment number on the first line of the field. (E.g., 123 NE River Road, Apt. 4). Enter the City/Town, State or Country, and Zip Code on the second line of the field. Do not use post office boxes; use only actual street addresses. Countries should be spelled out (e.g., United Kingdom, not UK).

7. & 15. Marriage No.

Enter the number of previous licensed civil marriages, plus the intended marriage, to indicate how many total marriages this intended marriage will equal. For instance, one previously licensed marriage plus the intended marriage would require that the response in this field is "2nd".

Include only marriages that were not void under former GL c.207 §11 or by operation of law at the time of marriage or judicially annulled, voided, or *void ab initio* (*void from the beginning*)

7A. & 15A. Status of last marriage.

If applicable, parties should indicate whether any of the following apply: Party's last marriage was terminated as: "Widowed," "Divorced," "Void or annulled by court order," or "Void, under former GL c.207/§11 or by operation of law at time of marriage" (See section "Prerequisites for Applicants Intending To Marry In Massachusetts.")

7B. & 15B. Is there any reason why you would be prohibited from marrying in Massachusetts due to a civil union or domestic partnership in another state or jurisdiction?

If the divorce is not final or absolute, the Intention may not be taken until after the date of final divorce.

Transcribe only onto the Certificate of Marriage statuses of "Widowed" or "Divorced."

8. & 16. Birthplace

Applicants should answer "yes" or "no" to indicate whether a civil union or domestic partnership in another jurisdiction may be an impediment to marriage. A previous or existing civil union is not an impediment in Massachusetts but may have implications for legal complications in another jurisdiction. This item does not appear on the Certificate of Marriage.

9. & 17. Name - Parent

List for each party the full name of their parents including first, middle, and last name. Also, in the space provided, list the surname at birth or adoption of the party's mother (the last name given the parent at birth or at the time of adoption). When transferring this information to the Certificate of Marriage, include the current First, Middle, Last name, followed by a separator and the surname at birth or adoption (e.g., "Jane Ann Doe / Smith").

10. & 18. Name - Parent

If the party has a second parent, list for each party the full name of their parent including first, middle, and last name. Also, in the space provided, list the surname at birth or adoption of the party's parent (the last name given at birth or at the time of adoption). When transferring this information to the Certificate of Marriage, include the current First, Middle, Last name, followed by a separator and the surname at birth or adoption (e.g., "John James Doe / Doe").

If the party does not have a legal second parent, enter three dashes ("---") in item 10 or 18 as appropriate.

If the parents of either Party A or Party B are not married at the time the intentions are completed, then mark the record as Restricted (use the "R" checkbox in the margin. This means that copies of the record are restricted to the parties on it.

When the names of the parents are not known, the following are acceptable entries:

- Cannot be learned
- Dashes “---”
- Unknown

- Make sure both parties understand that using these will result in a restricted (impounded) record

Note: Massachusetts statutes (G.L. c.207 §27) do allow a party to list his/her parent(s) at birth in addition to his/her adoptive parents. Because the manual forms for Notice of Intention of Marriage and Certificate of Marriage do not contain separate items for a second set of parents, it is necessary to neatly compress the information into the existing fields. List the current, adoptive parents first followed by the parent(s) at birth. Call RVRS if you would like formatting suggestions.

22. & 23. Sex

These items no longer appear on the Notice of Intention and Certificate of Marriage as of July 1, 2023.

24. & 25. Related by blood or marriage to Party A/B?

Each party must indicate any relationship to the other party by consanguinity (blood/genetic relationship) or affinity (relationship through marriage or adoption). Certain relationships are prohibited by Massachusetts statute. These prohibited relationships constitute a "legal impediment to marriage" (see section "Prerequisites For Applicants Intending To Marry In Massachusetts"). Responses must be clearly written for the clerk to understand (for example, "Father's stepson" not "By Marriage" - meaning for Party A, he is the stepson of Party B's father).

Oath and signatures

Both parties must be present at the time of oath and must sign in the presence of the city/town clerk, city registrar, or assistant clerk designated to administer oaths (with limited exceptions listed earlier in this fact book). The officer administering the oath must be certain that the parties have read and understand the Massachusetts "Legal Impediments to Marriage" and that each party has read and understands the written oath that appears above their signatures.

Signatures must be the usual signatures that the parties use for any other binding, legal, documents.

The Intention may be received, even if your office has reasonable cause to believe that any of the statements contained in the Notice of Intention of Marriage are incorrect, and requires further review. However, the marriage license should never be issued until the city/town clerk is satisfied that the facts are accurate and complete and that there is sufficient evidence to authorize the issuance of a license.

The Notice of Intention process is not complete until the license is issued or refused issuance by the clerk.

Information about restriction of records should be explained to the parties at this time. It will be necessary for you to determine whether the Intention (and Certificate of Marriage) will be filed as restricted or unrestricted records, and whether address information may need to be redacted

due to occupation (see section "Access & Issuing Copies of the Notice of Intention of Marriage"). Remember that, when both parents aren't listed for each party, the record will be restricted.

*You are now ready to issue the Marriage Certificate **

For City/Town use only. Enter the date that the marriage license was issued. Spell out the month of issue. E.g., "February 28, 2024."

The Notice of Intention of Marriage process is not complete until all items and evidence are received and your decision is made to issue or refuse the license. The calculation of the statutory waiting period is based on the date the oath was administered (see section "Waiting Period"). Therefore, it is recommended that for all Intentions, a Marriage Worksheet is completed. This worksheet will provide you with the additional information that you will need to contact the parties if additional information is needed or there is a problem that will prevent the license from being ready as scheduled. **Do not mail the worksheet to RVRS along with other marriage forms, additionally, do not use this form as evidence for a correction to the record.*

Once the intentions are complete, you should review the information for accuracy with both parties in order to ensure accuracy and lessen the chance for transcription errors.
Inquire as to the marital status of the parents for each party and explain, if necessary, that unmarried/unknown parent will result in a restricted/impounded record.

MARRIAGE WORKSHEET FORM

R208-08 - Revision 9-3-24

INTENTION NO.:

CERTIFICATE EXPIRATION DATE / /

MARRIAGE WORKSHEET

NAME PARTY A: _____

NAME PARTY B: _____

PLANNED DATE OF MARRIAGE: _____ / _____ / _____

PLANNED PLACE OF MARRIAGE:
Facility Name _____

Address - Street and Number _____

City _____ Zip Code _____

WERE YOUR PARENTS MARRIED WHEN YOU WERE BORN?

PARTY A: _____ PARTY B: _____

CURRENT TELEPHONE NUMBER: (_____) _____ - _____ Circle One:
(Party A or B ?)

IF YOU NEED TO BE CONTACTED AFTER MARRIAGE, WHAT IS YOUR PLANNED ADDRESS AFTER MARRIAGE:

Street and Number _____ City _____ State _____ Zip Code _____

TELEPHONE AFTER MARRIAGE: (_____) _____ - _____

NAME OF OFFICIANT: _____

PHONE NUMBER OF OFFICIANT: (_____) _____ - _____

ADDRESS OF OFFICIANT: _____

Address - Street and Number _____

City _____ State _____ Zip Code _____

If the officiant is from another state, he or she must apply for and receive a commission from the Secretary of State before the marriage takes place. The Commission may be obtained from:

Secretary of State, Commissions Division
McCormack Building - 17th Floor
1 Ashburton Place
Boston, MA 02108
(617) - 727-2836

COMMISSION: RECEIVED YES NO NOT APPLICABLE

Completed worksheets can be discarded once the record is registered.

Requirements to Appear and Swear Under Oath

Both parties must personally appear, together, in the clerk's office, with only three exceptions:

1. If one party is in the **military** and unable to appear and the other party is a resident of Massachusetts, the Intention may be taken by the Massachusetts resident alone or by the Massachusetts resident and the parent or guardian of the absent party. The party absent by virtue of military service does not need to be a Massachusetts resident but must not be impeded from entering into marriage by Massachusetts law. **Satisfactory evidence must be presented to you that demonstrates that the absent party is actively serving in the military in a location that would prohibit a personal appearance.** If you are satisfied with the evidence, retain the original and make certain that you make a note on the Intention, and transfer the note to the Certificate margin (suggested "c.207 §20 mil").
2. If one party is unable to appear because of **illness, confirmed by written, notarized, statement of the party's physician**, the Intention may be taken by the other party to the marriage alone or with the absent party's parent or guardian. This notarized statement must be retained as evidence with the original record but does not need to be forwarded to RVRS. When transferring information to the Certificate, a note should be made on the Certificate's margin (e.g., "c.207 §20 phy").
3. If either party is **incarcerated** in a county or state house of correction, either party may file alone. **Satisfactory evidence must be presented to you that demonstrates that the absent party is incarcerated.** If you are satisfied with the evidence, retain the original and make certain that you make note on the Intention, and transfer the note to the Certificate margin (e.g. "c.207 §20 inc").

There are no other exceptions. Applicants may cite time limitations for travel, or other various problems; but you may not make exceptions other than those provided by law.

These types of evidence must be retained because they demonstrate that specific criteria were fulfilled to waive the usual process. Mark the margin of the license with the appropriate legal reference as indicated above and retain the evidence with your copy (in these cases, evidence does not need to be mailed in to RVRS with the marriage record). Keep the evidence with the associated intentions for future reference.

Be certain that each party has read and understands the Massachusetts impediments to marriage. If a party falls into a category that does not require both parties to personally appear (as listed above) the party who does appear will be acting on behalf of the other party. You must be certain that he/she understands that the legal impediments apply to both.

Be certain that each party has read and indicates understanding of the oath that appears above the signature lines. You must take the oath of both parties, unless one of the three exceptions listed above that allow for one party's signature apply.

Before administering oaths, you may want to explain that certain items on the Intention will not appear on the Marriage Certificate, including:

- Status of last marriage if last marriage was void or annulled (items 7A & 15A)
- Verification of ability to marry due to Civil Union/ Domestic Partnership Status in another jurisdiction (items 7B & 15B)

Before administering oaths, you also may want to explain to the parties that choice of name after marriage as listed on the Intention is the name that will appear on the Certificate, which record will be filed as a permanent record in the Commonwealth. This is a point in time document. If either party subsequently chooses to use a different name or obtains a judicial change of name (legal name change), the names appearing on the Certificate will remain as indicated now and will not be changed.

No license should be issued until you are satisfied that the parties are qualified to marry. Compare the completed Intention with the list of impediments for Massachusetts to satisfy yourself that no impediments exist before issuing a license.

ACCESS & ISSUING COPIES OF NOTICE OF INTENTION OF MARRIAGE

At the time the Notice of Intention of Marriage is being completed and prior to administering the oath; it is necessary to determine whether the records relating to the marriage will be restricted or unrestricted.

Although Massachusetts statutes (G.L. c.207 §20) provide that the Notice of Intention of Marriage is a "public record," another Massachusetts statute (G.L. c.46 §2A) restricts access to Intentions of parties born "out-of-wedlock" or where a physician's statement has been filed under the provisions of G.L. c.207 §20A².

Determining Access Status

When Are Marriage Certificates Restricted?

- Either spouse's birth parents were not married (child born out-of-wedlock)
- An adoption occurred and the name changed for either spouse

Who Can Access Restricted Marriage Records?

- The individuals named on the record
- Birth parent(s) named on the record
- Legal guardian

² This statute was repealed; but does apply to records that were filed prior to March 23, 1982, where a physician's statement was given that the bride was close to the completion of a pregnancy at the time of the marriage.

Before taking the oath, it is suggested that the applicants are access policy according to Massachusetts statutes. Explain Notice of Intention is a public record and access is to any person who requests it, with some exceptions box at right and statutes reproduced in Appendix A)). After explaining the exceptions, ask "Do any of these restrictions apply to either of you?" If yes, mark the Intention (and later the Certificate) accordingly (see item instruction for "Intention Number").

Access

Access includes obtaining copies, visual examination of the record(s), examination of indices, or obtaining any information from such records. Access is allowed to the following persons according to these rules:

- *Medical certificates* - only the party who is the of the medical certificate, or their legal representative may obtain a copy of the medical Party A may NOT receive a copy of the medical Party B, and Party B may NOT receive a copy of the medical certificate for Party A. (Note that the medical certificate requirement is no longer required for persons who married on or after January 28, 2005).
- *Notice of Intention of Marriage and Certificate of Marriage*
- 1. For Intentions and Certificates that are **not restricted** in any way (see above) - access may be granted to any person who requests it.
- 2. For Intentions that are **restricted** due to a party's occupation as a law enforcement or public safety officer (which also includes judicial, prosecutorial, department of youth services, department of children and families, department of correction and any other public safety and criminal justice system personnel, and of unelected general court personnel and their family members), you must **redact** street address and town information if the party is employed by your city/town (G.L. c.66 §10) before issuing copies or making the record available for public examination. Street address and town name of State-employed public safety and law enforcement officers must also be redacted if issued by RVRS. However, if the party is employed as a law enforcement officer by another town or by the federal government or by a private security company, Massachusetts law does not permit you to redact the address.

Transfer access information to the margin of the Certificate of Marriage with a marginal note such as "c.66 §10 ps."

For these restricted Intentions and Certificates of Marriage, only the following individuals may access the unredacted Intention (with street address and town information) and may examine and obtain certified copies of the Certificate of Marriage:

- Party A or Party B
- Authorized governmental officials
- An employee organization under G.L. c.150E,
- A nonprofit organization for retired public employees under G.L. c.180.

3. For Intentions that are **restricted** due to a person's work (paid or unpaid) providing or training in family planning services, you must **redact** street address and town information for both parties and names of family members (spouse and parents) (G.L. c.66 §10) before issuing copies or making the record

Access Exceptions

- The parents of one or both of the parties were not married at the time of the party's birth, and did not marry each other later. (G.L. c.46 §2A).
- A party works in law enforcement, public safety or family planning. (G.L. c.66 §10).
- A party is a victim of an adjudicated crime or victim of domestic violence. (G.L. c.66 §10).

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certificate. certificate for

medical certificate requirement is no longer required for persons who married on or after January 28, 2005).

Notice of Intention of Marriage and Certificate of Marriage

1. For Intentions and Certificates that are **not restricted** in any way (see above) - access may be granted to any person who requests it.

2. For Intentions that are **restricted** due to a party's occupation as a law enforcement or public safety officer (which also includes judicial, prosecutorial, department of youth services, department of children and families, department of correction and any other public safety and criminal justice system personnel, and of unelected general court personnel and their family members), you must **redact** street address and town information if the party is employed by your city/town (G.L. c.66 §10) before issuing copies or making the record available for public examination. Street address and town name of State-employed public safety and law enforcement officers must also be redacted if issued by RVRS. However, if the party is employed as a law enforcement officer by another town or by the federal government or by a private security company, Massachusetts law does not permit you to redact the address.

Transfer access information to the margin of the Certificate of Marriage with a marginal note such as "c.66 §10 ps."

For these restricted Intentions and Certificates of Marriage, only the following individuals may access the unredacted Intention (with street address and town information) and may examine and obtain certified copies of the Certificate of Marriage:

- Party A or Party B
- Authorized governmental officials
- An employee organization under G.L. c.150E,
- A nonprofit organization for retired public employees under G.L. c.180.

3. For Intentions that are **restricted** due to a person's work (paid or unpaid) providing or training in family planning services, you must **redact** street address and town information for both parties and names of family members (spouse and parents) (G.L. c.66 §10) before issuing copies or making the record

available for public examination.

Transfer access status to the margin of the Certificate of Marriage with a marginal note such as "c.66 §10 fp."

For these restricted Intentions and Certificates of Marriage, only the following individuals may access the unredacted Intention (with street address and town information and name of family member) and may examine and obtain certified copies of the Certificate of Marriage:

- Party A or Party B
- The legal representative of Party A or Party B
- Authorized governmental officials.

4. For Intentions and Certificates of Marriage that are **restricted** because the parents of one or both of the applicants were not married and never subsequently married each other (or if filed before March 23, 1982, if a physician's statement was filed for the bride), absent a court order, only the following individuals may examine and obtain certified copies:
 - Party A or Party B
 - The legal representative of Party A or Party B
 - The parent or guardian of Party A or Party B
 - A governmental official requiring access for their official duties.
5. For Intentions that are **restricted** because a party is a victim of an adjudicated crime or a victim of domestic violence, you must **redact** street address and town information for both parties and names of family members (spouse and parents) (G.L. c.66 §10) before issuing copies or making the record available for public examination.

Transfer access status to the margin of the Certificate of Marriage with a marginal note such as "c.66 §10 dv."

For these restricted Intentions and Certificates of Marriage, only the following individuals may access the unredacted Intention (with street address and town information and name of family member) and may examine and obtain certified copies of the Certificate of Marriage:

- Party A or Party B
- The legal representative of Party A or Party B
- Authorized governmental officials.

- *Supplement to Notice of Intention of Marriage* -

The Supplement to Notice of Intention of Marriage remains in your office for a limited time only (until the original Certificate of Marriage and accompanying evidence is sent to RVRS). While in your possession, the ONLY individual who may obtain information from the Supplement is the party to whom it pertains. This means you may issue a copy of the Supplement to Party A, but the Social Security Number (SSN) information pertaining to Party B must be redacted (blacked out or completely obscured in some other manner). Party B may receive a copy of the Supplement where the SSN information relating to Party A is redacted.

Clerk Custodial Responsibilities for Preservation of Intentions

The Notice of Intention of Marriage is a public record (G.L. c.207 §20) and must therefore be preserved according to public records law. Any Intention where an oath has been administered, and is therefore complete, must be numbered and filed in permanent volumes, regardless of whether the license was issued or whether the marriage took place. It is important that they are printed on bond (archival) paper, written in black ink, and stored properly.

For more detail on records preservation and custodial duties, refer to the guidelines published by the Office of

the Secretary of State, Supervisor of Public Records.

MARRIAGE SUPPLEMENT FORM

May be ordered from RVRS

Form R203-12212022



Name of City or Town: _____
Intention Number: _____
Registered Number: _____

The Commonwealth of Massachusetts
Department of Public Health
Registry of Vital Records and Statistics

Supplement To Notice Of Intention Of Marriage

Chapter 64, Acts of 1998, requires that every couple filing an application to marry in Massachusetts provide the following information. Additionally, pursuant to the Federal Privacy Act of 1974, you are hereby notified that disclosure of your social security number is mandatory. Disclosure of the social security number is required pursuant to state law, M.G.L. c. 119A §14 and federal law, Section 125 of P.L. 100-485. Social security number is used to identify the parent(s) and to enforce child support orders. All information on this form must be completed prior to the issuance of a marriage license in Massachusetts.

Complete one column for each person intending to marry.

Party A	Party B		
Present name as it appears on the Intention:	Present name as it appears on the Intention:		
First _____ Middle _____ Last _____	First _____ Middle _____ Last _____		
Residence:	Residence:		
Number and Street	Number and Street		
City/Town _____ State/Country _____ ZIP Code _____	City/Town _____ State/Country _____ ZIP Code _____		
Social Security Number: _____ _____ _____ - _____ _____ - _____ _____ _____	Social Security Number: _____ _____ _____ - _____ _____ - _____ _____ _____		
If a SSN has never been issued, specify reason below (example: Does not reside in the United States). _____ _____ _____	If a SSN has never been issued, specify reason below (example: Does not reside in the United States). _____ _____ _____		
<i>We state that all the information given above is true and we understand that all statements are made under the penalties of perjury.</i>			
Signature	Date Signed	Signature	Date Signed

The Supplement to the Notice of Intention of Marriage is NOT a public record. No copy will be maintained in the office of the city or town clerk. The original form will be forwarded to the State Registry of Vital Records and Statistics.

PRINT OR TYPE LEGIBLY IN BLACK INK

Part II: License/Certificate

MARRIAGE LICENSE/CERTIFICATE FORM

See Appendix G on page 47 for a completed sample with notes.

Form
R-201-01-2024



The Commonwealth of Massachusetts

State File Number _____

Department of Public Health • Registry of Vital Records and Statistics

CERTIFICATE OF MARRIAGE

This certificate
is not to be used
outside of MA.

Do not copy
margin.

Not Valid After:

This is a
permanent
record.

Use only
permanent
black ink.

Alterations are
not allowed.
Penalty for
violation.
MGL c 207, §§
28, 28A, 48, 49,
54, 57 and c 46,
§ 18.

Court Waiver
 Commission

For State Use:
Original record
if amended

Vol.: _____

Page _____

No. _____

City/Town Making Return		Intention Number	Registered Number	
1. Place of Marriage (City/Town)		2. Date of Marriage		
3. Full Name – Party A		11. Full Name – Party B		
3A. Name after Marriage		11A. Name after Marriage		
4. Date of Birth		5. Occupation	12. Date of Birth	
6. Residence (No. & St.) (City/Town, State or Country, Zip Code)		14. Residence (No. & St.) (City/Town, State or Country, Zip Code)		
7. Number of Marriage		7A. Widowed/Divorced	15. Number of Marriage	
8. Birthplace (City/Town and State or Country)		16. Birthplace (City/Town and State or Country)		
9. Name of Parent		17. Name of Parent		
10. Name of Parent		18. Name of Parent		
19. The INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Community of according to law, this Day Month Year				
Name of Community Issued		Day	Month	Year
Month Day Year		City or Town Clerk or Registrar		
20. SOLEMNIZER: I hereby certify that I solemnized the marriage of the above-named persons at the place and date listed below:				
Place (Number & Street, or Name of Place of Worship)		(City/Town)		
Date Solemnized		Title (Clergy Member, Priest, Rabbi, Imam, Justice of the Peace)		
Name of Solemnizer & Signature		Address		
21. Date of Record		Date of Amendment	City/Town Clerk or Registrar	

Issuance

- Make sure the record has been registered by signing it and issuing a registered #.
- Issue certified copies on bond paper only - make sure both sides are copied.
- The margin should not be included when issuing.

Black ink, print on bond paper

All dates should be alphanumeric

Check this box for restricted records – Continue to write IMP in margin (if it fits)

Check Commission box when one day solemnizer used

Printed name & sign

Amendment use only!
Do not dash out

Form R-201-01-2024

The Commonwealth of Massachusetts
Department of Public Health • Registry of Vital Records and Statistics
CERTIFICATE OF MARRIAGE

City/Town Making Return **Intention Number** **Registered Number**

1. Place of Marriage (City/Town) **2. Date of Marriage**

3. Full Name – Party A **11. Full Name – Party B**

3A. Name after Marriage **11A. Name after Marriage**

4. Date of Birth **5. Occupation** **12. Date of Birth** **13. Occupation**

6. Residence (No. & St.) **14. Residence (No. & St.)**

(City/Town, State or Country, Zip Code) **(City/Town, State or Country, Zip Code)**

7. Number of Marriage **7A. Widowed/Divorced** **15. Number of Marriage** **15A. Widowed/Divorced**

8. Birthplace (City/Town and State or Country) **16. Birthplace (City/Town and State or Country)**

9. Name of Parent **17. Name of Parent**

10. Name of Parent **18. Name of Parent**

19. The INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Community of **according to law, this** **day of** **Month** **Year**

Name of Community **Day** **Month** **Year**

Issued **Month** **Day** **Year** **City or Town Clerk or Registrar**

20. SOLEMNIZER: I hereby certify that I solemnized the marriage of the above-named persons at the place and date listed below:

Place (Number & Street, or Name of Place of Worship) **(City/Town)**

Date Solemnized **Title (Clergy Member, Priest, Rabbi, Imam, Justice of the Peace)**

Name of Solemnizer & Signature **Address**

21. Date of Record **Date of Amendment** **City/Town Clerk or Registrar**

For State Use: Original record if amended

Page _____ **No.** _____

No PO Boxes are allowed; use addresses

Villages ARE allowed in solemnizer's address

Only 1 solemnizer allowed

Solemn Cert – when in doubt call the Sec of State's Office

On-line Ministries (Non-Brick and Mortar)

- Always a good idea to ask applicants who will be officiating the ceremony.
- Clergy without brick-and-mortar locations, (church, synagogue etc.) MUST be registered with the Secretary of State's Office; **Once they are registered, a One Day Solemnizer Certificate is not necessary. However, the clerk must ascertain that the solemnizer is indeed registered by calling the Sec. of State's Office to verify before registering the record.**
- Online officiants registered w/ Sec. of State since 2015 do not need to re-register for each wedding.
- Call the Secretary of State's Office 617-727-7030 to check solemnizer registrations.

Delayed Record of Marriage*

Marriages become delayed when 365 days elapse between the date of the marriage and the date the clerk registers that marriage. Form is available from RVRS. *Until the new forms are ready, you will need to use the old smaller-size Delayed Record of Marriage Form.

The following evidence is required:

- The original marriage intentions on file in your office (use a true attest copy when sending in evidence). Regardless of whether you have the intentions, have the party apply for a marriage

certificate with the state (vitalchek.com) – specify the date range and RVRS will make sure that the marriage was not filed with another community.

- Original unregistered marriage certificate – section 20 completed – **if they have this the evidence below is NOT required.**
- Letter from the clergy/church letter that performed the ceremony (must indicate date of marriage) or proof that the marriage was recorded by the church or other religious institution.
- Keepsake - invitation or paper announcement, newspaper clipping etc. (no wedding pics)
- Letter of No Divorce from RVRS 5 yrs before and 5 after (that's the default search – have the party contact the Registry directly for this request rvrsgeneralinfo@mass.gov).
- Notarized Affidavits from at least two witnesses who were present at the ceremony.

Use the Delayed Record of Marriage Form to record the marriage and submit all original evidence along with the completed form to RVRS when reporting your monthly marriages.

Out of Commonwealth Marriage*

**Until the new forms are ready, you will need to use the old smaller-size Out of Commonwealth Marriage Form.*

When a couple marries outside of the US, you may provide them with an Out of Commonwealth Marriage Record if they meet the following criteria:

The following evidence is required:

- At least one party had to be residing in your city/town when the marriage took place.
 - [Street listing, voter registration, etc.](#)
- Translated certified copy of the marriage certificate from the country where the marriage took place; should be an official government copy
- You cannot transcribe any data that is not on the original foreign marriage record! The original must indicate your city/town in MA as residence – [**cannot list a resort**](#)
- Remember to inform applicants that this is [not a legal document](#) – their legal marriage record will always be the original foreign marriage certificate

– Use the Out of Commonwealth Marriage Form to record the marriage, give it a registered number, and submit all evidence along with the completed form to RVRS when reporting your monthly marriages.

Statement of Single Status

We do not have forms for this; the most you can offer is a Negative Statement of Marriage – (order a marriage record from vitalchek.com in order to get this statement)

REPORTING TO THE STATE REGISTRY

Monthly Report of Marriages

A monthly report of Intentions is not required. However, a monthly marriage report (green sheet) must be completed by every city or town every month ONLY when they are reporting NO marriages for that month. In this way, RVRS can confirm that no Marriage Certificates are missing or expected. See Monthly Report of Marriages Form on page 27.

- Returning your marriages to the Registry:

- As stated in c.46 §17A “*...the clerk of each city and town shall, on or before the tenth day of the second month following every month in which marriages are solemnized, transmit to the state registrar upon forms furnished by him, the original record of such marriages and all documentary evidence.*”
- Separate Supplement to Notice of Intentions from the certificates (do NOT fold certificates).
- Evidence, such as commissions, should be placed behind the certificate it belongs to.
- All certificates should be in ascending order by registered number.
- No longer necessary to cut certificates as they should all be 8.5 by 11 now – use bond paper

Annual Report of Intentions

- By April 15th of each year, the "Annual Marriage Intention Report" must be submitted to RVRS detailing the number of Intentions filed, Certificates issued from these Intentions and the number of Certificates not issued and not returned (G.L. c.46 §17A). The Registry will email you the report for you to complete and mail back.

R-329

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

ANNUAL REPORT OF INTENTIONS FILED IN 2023

To the Registrar of Vital Records and Statistics:

Intentions of marriage filed in the city or town of _____ in 2023

NOTICE: File with the Registrar by June 15, 2024

1. TOTAL NUMBER OF INTENTIONS TAKEN IN YOUR
COMMUNITY FROM JANUARY 1, 2023- DECEMBER 31, 2023 _____

The number of intentions taken during a calendar year does not necessarily match
the number of marriages occurring during a calendar year, as the license may be
used in the next year.

2. NUMBER OF LICENSES ISSUED¹ FROM INTENTIONS
IN # 1. _____

3. NUMBER OF INTENTIONS FOR WHICH NO LICENSE
ISSUED. _____

4. TOTAL (#'s 2 & 3) . 0 _____

Total equals the number of intentions taken in #1 above.

5. NUMBER OF LICENSES (of # 2) NEVER RETURNED FOR
REGISTRATION. _____

6. NUMBER OF INTENTIONS DENIED. _____

Recipient must be requested to return unused license as required by c.207, s. 28.

DATE: _____, 2024

SIGNED: _____

¹ I.e., Licenses actually picked up.

ANNUAL REPORT OF INTENTIONS INSTRUCTIONS

Complete this form by June 15, 2024 for all intentions taken in your community during calendar year 2023 regardless of when the marriage occurred. For example:

- Couple filed a Notice of Intention on December 28, 2023
- License issued on January 4, 2024
- The marriage occurred on February 1, 2024

The above intention is counted in the 2023 Annual Report of Intentions because it was taken out in 2023, even though the marriage will be recorded in 2024 with a 2024 registered number.

All marriage intentions are PERMANENT VITAL RECORDS regardless of whether licenses were issued, not issued or not returned. Intentions contain information directly from the couple and may be used to eliminate any discrepancies in the future.

Direct any questions regarding completion of this form to Tiffany White at (617) 740-2608, or Tiffany.White@mass.gov

Return forms via email to: rvrsregistration@mass.gov

MONTHLY MARRIAGE REPORT FORM

COMMUNITY OF: _____

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC HEALTH

Registry of Vital Records and Statistics

150 Mt. Vernon Street, 1st floor
Dorchester, MA 02125-3105

MONTHLY REPORT OF MARRIAGES

REPORT FOR THE MONTH OF: _____

DO NOT USE THIS FORM IF YOU ARE SUBMITTING ANY RECORDS OF MARRIAGES. Submit this report to the above address with the box checked below only when no marriages were registered during the reporting period.

NO marriages were recorded in this community during the reporting period.

Date: _____, 20 _____

Signed by: _____

Clerk of: _____
(Name of City or Town)

Part III: Affidavit and Correction (Amendments)

Before processing marriage amendments make sure you have the most update **Marriage Evidence Guide**; you can view or print from TRAIN:

<https://www.train.org/ma/>

- First and foremost – use the Evidence Guide! Ask the individual which field(s) they are seeking to amend and consult the Evidence Guide for the acceptable evidence to make the correction.

Rejection Letters – See Appendix E for a Sample Rejection Letter

When you are unable to use the evidence presented by the applicant for whatever reason, you should always provide them with a letter of rejection. The Registry has a template to help you in the creation of the letter. The applicant can then take the letter to the court, consulate, etc.

- All marriage amendments, regardless of how old, must be done on the new marriage form.
 - If you've amended a 20-year-old marriage record – you would still amend on the new form
- Remember that only the city/town where the intentions were taken out can process an amendment.
- Evidence documents written in foreign languages must be translated & have the translation notarized. This must be done by a professional agency, not one of the parties.
- Anything other than originals must be True Copy Attested by the clerk – contact the Registry if you are unsure if the evidence presented meets the criteria spelled out in the Evidence Guide.
- Original evidence sent to the Registry will not be returned (keep copies for your records).
- Amended marriage records receive the same registered number as the original record

Gender Reassignment

- Make sure the applicant(s) know in advance that new certified copies will **not have gender on them! The new form does not collect gender.**
- See Appendix D on page 46 for Fact Sheet and Applicant Affidavit. Amendments can be made to older records to change gender and name.
 - A notarized affidavit signed by both parties on the certificate agreeing to the amendment is also required.
 - Remember you cannot issue certified copies on the old form!
 - If a court ordered name change is used for the legal name change, it should have the court stamp on it and you should retain it for your records – send original to RVRS

Letter of No Divorce & Negative Statements

- These are necessary pieces of evidence that help to show that a particular event did not occur – such as a marriage or a divorce.
- Applicants can obtain a Letter of No Divorce by having the applicant email the Registry at rvrsgeneralinfo@mass.gov and request an **Application for Divorce Information**. This can also be done in person at the Registry.

- A Negative Statement of Marriage can be obtained from RVRS by ordering a marriage record at www.vitalchek.com. The applicant can enter the date range for the search to comply with their needs – if no record is found at RVRS, a Negative Statement of Marriage will be returned by the Registry. This can also be done in person at the Registry.

Correction to Number of Marriages

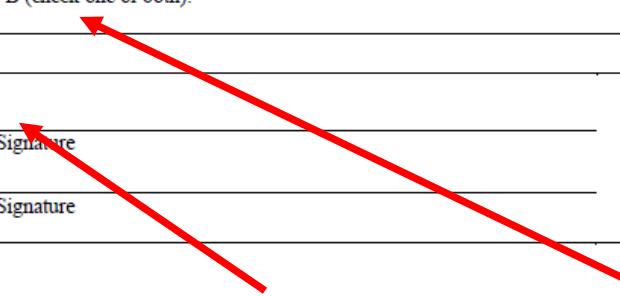
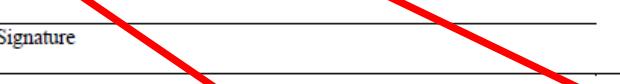
One of the more common corrections to marriage records is the number of marriages for one of the parties on the certificate. In this case it is important to remember that the evidence create a paper trail that proves the new number of marriages being request by one of the parties is accurate. For example, if the intentions indicate that the number of marriages is two and the party is indicating that it should actually be three, you will want to see a marriage certificate for the first two as well as divorce decrees for the first two. In this case, the clerk would also need a Negative Statement of Marriage from RVRS that would cover the time between the last divorce and the current marriage. By collecting this evidence from the party, you can now show a paper trail from the first marriage to the current one thus enabling you to correct the number of marriages from two to three.

Conversely, if a party on the record wishes to reduce the number of marriages from two to one, you will want to see a Negative Statement of Marriage from RVRS indicating that the state does not have any marriage records for this party on file.

Correction to Middle Initial

In order to make marriage records as accurate as possible as well as help parties with Social Security and Passport issues, the Registry does accept amendments to records in which one of the parties used only a middle initial rather than their whole middle name. If the marriage record has a middle initial as opposed to the entire middle name, a birth certificate can be used to correct the initial to the entire middle name provided that the initial matches the first letter of the middle name.

Affidavit and Correction Form – the reverse side of the Marriage Certificate

<p style="text-align: center;">SOLEMNIZER</p> <p>The solemnizer must have a Certificate of Marriage form issued by any City or Town Clerk in the Commonwealth. The marriage ceremony may take place in any Massachusetts city or town, even if it is different from the issuing community. If the solemnizer does not belong to an organization recognized by the Secretary of the Commonwealth as authorized to perform marriage, a one-day commission must be obtained in advance of the ceremony.</p> <ul style="list-style-type: none">• Legibly complete all items in the Solemnizer section only (Block #20) using permanent black ink.• Use official names for cities and towns, do not use village designations.• Return this completed marriage certificate to the City or Town Clerk named in Block #19 as soon as possible, but no later than the 10th day of the month following the month of marriage. <p>c.207 §48, M.G.L. – “Whoever, not being duly authorized by the laws of the commonwealth, undertakes to join persons in marriage therein shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.”</p> <p>c. 207, § 56, M.G.L. – “Whoever neglects to make the record and returns, required by section forty shall forfeit not less than twenty nor more than one hundred dollars.”</p>
<p style="text-align: center;">Amendment to Certificate of Marriage</p> <p>All additions and corrections must be substantiated by evidence to reflect information that was true at the time of event, unless specifically excluded by law (c.46 §13, M.G.L.).</p> <p style="text-align: center;">Affidavit of Deponent</p> <p>I hereby swear or affirm under the penalties of perjury that the information provided to amend the Certificate of Marriage of:</p> <p style="text-align: center;">and</p> <p>is accurate and authentic to the best of my knowledge and belief. I have provided the following evidence to substantiate the amendment of <input type="checkbox"/> Party A <input type="checkbox"/> Party B (check one or both).</p> <p>Deponent Name and Signature </p> <p>Relationship to <input type="checkbox"/> Party A <input type="checkbox"/> Party B</p> <p>Deponent Name and Signature </p> <p>Relationship to <input type="checkbox"/> Party A <input type="checkbox"/> Party B</p>

Clerk will sign when there is a clerical error transcribing the data from the Intentions Form onto the Marriage License – be sure to put today's date at the bottom of the front of the form.

Explanation of amendment goes here.

The solemnizer does not re-sign amended records.

PART IV: VOIDING A MARRIAGE

RECORDS MANAGEMENT: ADMINISTRATIVELY MARKING A RECORD “VOID”

Administratively marking a record “void or annulled by court order.”

Where a certified order from a court of competent jurisdiction is received, the clerk taking the Intention shall at the time the Notice is taken:

- In the case of a marriage record on file in your city or town, mark the existing record in the files “void” or “annulled” accordingly, retain a true copy attest of the certified court order as evidence, and immediately (at the time the Notice is taken) transmit either the certified court order or a true copy attest of the certified court order to RVRS for permanent filing so that RVRS can mark the record in its custody accordingly; or
- In the case of a marriage record on file with another city or town, immediately (at the time the Notice is taken) transmit true copies attest of the certified court order declaring said marriage void or annulled to (1) the custodial clerk and (2) RVRS so that all records on file at the municipal and state level may be marked accordingly.

Administratively marking a record void under former GL c.207 §11 or by operation of law at time of marriage

If you are the custodian of the last marriage record:

- Marriage certificates should never be marked “void” under G.L. 207 §11 or by operation of law at time of marriage unless both parties to the last marriage agree as to the “void” status of the record since the absent party may wish to take, or may have taken, judicial action to have the last marriage affirmed or voided by court order or terminated by a divorce decree.
- Where the last Massachusetts marriage certificate is not already marked “void” or “annulled” by court order or otherwise marked “void” and both parties to the last marriage are in agreement, the clerk shall determine whether all standards of evidence for voiding a record are met and mark the last marriage certificate “void” or “void under G.L. 207 §11” as applicable. The clerk shall then transmit to RVRS copies of the underlying evidence, including certified copies of the Notices of Intention for the last marriage and for this marriage, and any applicable affidavits and court orders.

Void by operation of G.L. C.207 § 8 (“Consanguinity or Affinity” “Former Husband or Wife Living”)

Administrative Evidence.

In the absence of a court order, a city or town clerk may consider administrative evidence including but not limited to vital records held by the clerk or RVRS or a clerk of another city or town.

To prove that last marriage was void by consanguinity or affinity:

An applicant who marks box 7A or 15A “Void, under former GL c.207 §11 or by operation of law at time of marriage” because of consanguinity or affinity (G.L. c.207 §8) should provide you with satisfactory evidence of a prohibited relationship.

or
Applicants may wish to seek legal advice from an attorney specializing in domestic relations to determine whether there may be any legal consequences to self-declaring a past marriage void.

- Exception: If the clerk taking the Intention can verify from their own records and with RVRS that

the record of the applicant's last marriage was previously marked "void" or "annulled", no further evidence or action shall be required.

- Exception: If the clerk taking the Intention can verify from the records of a clerk of another Massachusetts city or town and with RVRS that the last Massachusetts marriage certificate was marked "void" or "annulled", no further evidence or action shall be required.

If the last Massachusetts marriage certificate has not previously been marked "void" or "annulled" and the record is on file in your city or town, you may consider:

- The earlier Intention filed by parties after May 17, 2004 (Items 24 and 25) and the existing Marriage Certificate.
- Certified copies of birth records presented by the applicant to establish a relationship with the other party on the last Marriage Certificate that would make the marriage void.
- Judicial change of name decree presented by the applicant (if name on vital record is different).
- Other evidence presented if approved by RVRS.

Required:

If the applicant seeks to marry a person who was not a party to the last marriage, the applicant should submit a notarized "Affidavit of Consent to Void a Marriage Record by Operation of Law" signed under the penalties of perjury by the absent party to the last Massachusetts marriage.

- A sample affidavit form is contained in Appendix D. This sample should be modified by the parties to reflect applicable state laws and facts of their case. A sample affidavit form may be provided to the parties in advance of taking their Intentions. Their affidavit should be completed prior to taking the oath for the Notice of Intention of Marriage.

If the last Massachusetts Marriage Certificate has not already been marked "void" or "annulled" and your city/town is not the custodian of the record, you must also request a review of evidence from RVRS prior to determining that another city or town's record is "void."

- Exceptions:
If an applicant claims that the last marriage is void due to marital affinity because divorce was not final (existence of a former wife or husband living), the clerk may not take a Notice of Intention of Marriage absent a court order regarding the status of the last marriage.

Even though §8 is titled "marriage void without judgment," §6 of Chapter 207 operates to make certain marriages during existence of a former marriage "valid." Only a court of law can determine whether the subsequent marriage was entered into "in good faith" or whether such applicant is free to marry. (See Appendix F for an example of a court order affirming an otherwise improper marriage.)

Void under former G.L. C.207 §11.

Items 7 and 15: All marriages rendered "void" by operation of law are considered to never to have existed in law and should not be counted toward the number of marriages in items 7 and 15 of the Intention. For instance, if Party A has had one divorce in 1995, and their last marriage in 2005 is "void under former G. L. c.207 §11", and they file an Intention to marry in 2010 the same or different person as the last marriage, then the number of this intended marriage would be "2nd" not "3rd."

Items 7A and 15A: A party who entered into a Massachusetts marriage rendered void by operation of former G. L. c.207 §11 may marry the same or another person as if the void marriage never occurred, provided that the evidence is satisfactory to you and the applicant's last marriage occurred between May 17, 2004 (the date where the Massachusetts Notice of Intention of Marriage was revised to add information about parties'

intention to reside) and before July 31, 2008 (the date G. L. c.207 §11 was repealed). Evidence may exist in your files (if the last marriage license was issued by your town) or in the files of another vital records custodian.

Evidence

Judicial evidence:

- The clerk taking the Intention must review a certified copy of the court judgment.
 - Exception: If the clerk taking the Intention can verify from their own records and with RVRS that the record of the applicant's last Massachusetts marriage record was previously marked "void" or "annulled" by court order, no further evidence or action shall be required.
 - Exception: If the clerk taking the Intention can verify from the records of a clerk of another Massachusetts city or town and with RVRS that the last Massachusetts marriage record was marked "void" or "annulled" by court order, no further evidence or action shall be required.
- Transmit the certified copy of the court order to RVRS with the new marriage record. The clerk may retain an attested copy or request another certified copy for their own records.
- If you are not the custodial clerk of the last Massachusetts marriage record, then you must also transmit a certified or attested true copy of the court order to the custodial clerk.

See Appendix F for an example of a Judgment and Memorandum of Decision entered by Honorable Judge Jeremy Stahlin of the Suffolk Probate and Family Court (with personal identifiers redacted) declaring a marriage "void under section 11" and directing RVRS and the Registrar for Boston to mark the Certificate of Marriage "void". Any evidence, such as the court order, should be mailed to RVRS.

Administrative evidence:

In absence of a court order establishing the last marriage as void, the clerk taking the Intention must review and transmit to RVRS (with the registered Certificate of Marriage):

1. Certified copies of the applicant's last Intention of Marriage and the Marriage Certificate. No consent affidavit is necessary if both parties to the last marriage are filing the Notice of Intention of Marriage to marry each other and both indicate that the status of their last marriage is "void under former G. L. c.207 §11."
2. If one party to the last marriage is filing the Notice of Intention of Marriage with a different party than appears on the last marriage record, then a notarized "Affidavit of Consent to Void a Marriage Record" will be required from the absent party.
 - A sample affidavit is contained in Appendix D. The sample affidavit may be provided to the parties in advance of taking their Intentions and they should complete their affidavit(s) before you administer the oath.

It is your responsibility to review each party's last Intention and other evidence presented to verify that one or the other party indicated an intention to reside in a state where home state law at the time of marriage ceremony made the marriage "void" because of age, consanguinity/affinity, last marriage in existence, or other impediment. Review the last Intention on file at your office or if your office did not take the last Intention, you must instruct the applicants:

- to obtain a certified copy from the clerk who took it and whose office is the sole holder of that record; and
- to present it to you so that you can review and transmit it to RVRS.

If the Intention does not contain enough information to verify the impediment that the applicants claim makes

the last marriage “void,” then you must also request, review and be satisfied with any additional evidence that the applicants provide.

If your city/town is not the custodian of the record and the last Massachusetts marriage certificate has not already been marked “void” or “annulled”, it is not your responsibility to determine whether another community’s record should be marked “void.” In these circumstances, you must request a review of evidence by RVRS who will coordinate with the custodial city/town.

If an applicant claims that their last marriage is “void under former G.L. 207 §11” for reasons of another impediment, such as age or consanguinity, the clerk must ask the applicant to provide satisfactory evidence. For example, a marriage solemnized within the Commonwealth before the repeal of G.L. c. c.207 §11 between parties who were not impeded by G.L. c.207 §§1 and 2 (Massachusetts impediments based on consanguinity and affinity) but whose home state law at the time of the marriage operated to render the marriage between them “void” for reasons of consanguinity or affinity may be “void” by operation of former section 11 of Chapter 207, but the applicants have the burden of providing you with satisfactory evidence. The clerk is advised to consult with RVRS on any such evidence. Unless the clerk is satisfied, they may not take the oath and/or issue a new marriage license. When the evidence is deemed acceptable, the clerk should keep a copy and mail original(s) to RVRS.

APPENDICES

Appendix A

Statutes relating to Notice of Intention of Marriage

Chapter 4: Section 6 Rules for construction of statutes

[...]Fourth, Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words of one gender may be construed to include the other gender and the neuter.

[...]Sixth, Wherever any writing is required to be sworn to or acknowledged, such oath or acknowledgment shall be taken before a justice of the peace or notary public, or such oath may be dispensed with if the writing required to be sworn to contains or is verified by a written declaration under the provisions of section one A of chapter two hundred and sixty-eight...]

Chapter 46: Section 1 Certificates of birth, marriage, death and acknowledgments and adjudications of paternity; contents; residence defined

Section 1. Each town clerk shall receive or obtain and record the following facts, as well as such additional information that may be required under federal statutes or contracts, regulations promulgated pursuant to section 4 of chapter 17, or, as the commissioner of public health may require, relative to births, marriage, acknowledgments and adjudications of paternity and deaths which occurred in the town and for certificates of marriage issued by the town [...]

In the record of marriages, date of record, date and place of marriage, name, residence and official station of the person by whom solemnized; for each of the parties to be married the name, date and place of birth, residence, age, number of the marriage, as first or second, and if previously married, whether widowed or divorced, and the birth-given names of their parents [...] The word 'residence', as used in this section, shall include the name of the street and number, if any, of the house.

Chapter 46: Section 2A Disclosure of information about vital statistics; conditions

Section 2A. Examination of records and returns of children born out of wedlock or abnormal sex births, or fetal deaths, or of the notices of intention of marriage and marriage records in cases where a physician's certificate has been filed under the provisions of section twenty A of chapter two hundred and seven, or those of persons born out of wedlock, or of copies of such records in the department of public health, shall not be permitted except upon proper judicial order, or upon request of a person seeking his own birth or marriage record, or his attorney, parent, guardian, or conservator, or a person whose official duties, in the opinion of the town clerk or the commissioner of public health, as the case may be, entitle him to the information contained therein, nor shall certified copies thereof be furnished except upon such order, or the request of such person. The provisions of this section shall not apply to such records, returns or notices recorded or filed prior to January first, eighteen hundred and forty-one or to such copies thereof.

Chapter 46: Section 17A Marriage records; state registrar; originals; certified copies

Section 17A. Effective January 1, 2000, the clerk of each city and town shall, on or before the tenth day of the second month following every month in which marriages are solemnized, transmit to the state registrar upon forms furnished by him, the original record of such marriages and all documentary evidence. Certified copies of the marriages shall be retained by said clerk. If no marriages were filed for the month of the report, a report of such fact shall be transmitted to the state registrar. Prior to January 1, 2000, the clerk shall maintain all original documents and transmit to the state registrar a certified copy of each record of marriage. The clerk of each city and town shall annually, not later than April 15, report to the state registrar on forms furnished by him the number of intentions filed in the clerk's office, and the number of intentions on which licenses were not issued, or, if issued, not returned to the clerk.

Chapter 46: Section 27 Clerks; penalty for neglecting required duties

Section 27. A city or town clerk or registrar refusing or neglecting to perform any duty required of him under this chapter shall be punished by a fine of not less than twenty nor more than one hundred dollars. Fines recovered for violation of section eighteen shall be to the use of the commonwealth.

Chapter 46: Section 28 Administration of oaths

Section 28. An oath required by this chapter may be administered by the clerk, assistant clerk or registrar of a town.

Chapter 66: Section 10 Public inspection and copies of records; presumption; exceptions as amended by 2008, 176, Sec. 61 effective July 8, 2008

[...]The home address and home telephone number of law enforcement, judicial, prosecutorial, department of youth services, department of children and families, department of correction and any other public safety and criminal justice system personnel, and of unelected general court personnel, shall not be public records in the custody of the employers of such personnel or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed, but such information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180 or to a criminal justice agency as defined in section 167 of chapter 6. The name and home address and telephone number of a family member of any such personnel shall not be public records in the custody of the employers of the foregoing persons or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed. The home address and telephone number or place of employment or education of victims of adjudicated crimes, of victims of domestic violence and of persons providing or training in family planning services and the name and home address and telephone number, or place of employment or education of a family member of any of the foregoing shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.

Chapter 111: Section 2 Duties of commissioner of public health

The commissioner shall prepare from the birth, marriage and death records received by him under the provisions of chapter forty-six, and from the divorce returns received by him under the provisions of section forty-six of chapter two hundred and eight, such statistical tables as he deems useful, and shall make annual report thereof to the general court. The commissioner may transmit such information to the appropriate agency of the federal government to participate in the development of a cooperative system for producing uniform statistical information at the federal, state and local level. The commissioner may make further use of such records as he deems useful for administrative and research purposes connected with health programs and population studies. He shall, as soon as is reasonably practicable, cause the birth, marriage and death records to be bound with indexes thereto and shall retain their custody. He shall prepare an alphabetical index of such divorce returns showing the names of the parties, year and number of the judgment and the county in which the divorce occurred.

Chapter 207: Section 1 Marriage of man to certain relatives

Section 1. No man shall marry his mother, grandmother, daughter, granddaughter, sister, stepmother, grandfather's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister.

Chapter 207: Section 2 Marriage of woman to certain relatives

Section 2. No woman shall marry her father, grandfather, son, grandson, brother, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother.

Chapter 207: Section 3 Application of sections 1 and 2

Section 3. The prohibition of the two preceding sections shall continue notwithstanding the dissolution, by death or divorce, of the marriage by which the affinity was created, unless the divorce was granted because such marriage was originally unlawful or void.

Chapter 207: Section 4 Polygamy

Section 4. A marriage contracted while either party thereto has a former wife or husband living, except as provided in section six and in chapter two hundred and eight, shall be void.

Chapter 207: Section 6. Marriage during existence of former marriage; validity

If a person, during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract with due legal ceremony and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, that the former marriage had been annulled by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage has been removed by the death or divorce of the other party to the former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held

to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents.

Chapter 207: Section 7 Minors; solemnization of marriage

Section 7. A magistrate or minister shall not solemnize a marriage if he has reasonable cause to believe that a party to the intended marriage is under eighteen unless the provisions of sections twenty-four and twenty-five have been satisfied.

Chapter 207: Section 8 Marriages void without judgment

Section 8. A marriage solemnized within the commonwealth which is prohibited by reason of consanguinity or affinity between the parties, or of either of them having a former wife or husband living, shall be void without a judgment of divorce or other legal process.

Sections 11, 12 and 13 of Chapter 207 were repealed effective July 31, 2008 by Chapter 216 of the Acts of 2008.

(Non-Massachusetts residents are no longer required to demonstrate that there are no impediments to marry in their resident state or in the jurisdiction in which they intend to reside. All couples must still qualify by Massachusetts impediments)

Former Chapter 207: Section 11. Non-residents; marriages contrary to laws of domiciled state

[Text of section that was effective until July 31, 2008. Repealed by 2008, 216, Sec. 1.]

Section 11. No marriage shall be contracted in this commonwealth by a party residing and intending to continue to reside in another jurisdiction if such marriage would be void if contracted in such other jurisdiction, and every marriage contracted in this commonwealth in violation hereof shall be null and void.

Former Chapter 207: Section 12. Legal ability of non-residents to marry; duty of licensing officer to ascertain

[Text of section that was effective until July 31, 2008. Repealed by 2008, 216, Sec. 1.]

Section 12. Before issuing a license to marry a person who resides and intends to continue to reside in another state, the officer having authority to issue the license shall satisfy himself, by requiring affidavits or otherwise, that such person is not prohibited from intermarrying by the laws of the jurisdiction where he or she resides.

Former Chapter 207: Section 13. Construction

[Text of section that was effective until July 31, 2008. Repealed by 2008, 216, Sec. 1.]

Section 13. The three preceding sections shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact like legislation.

Chapter 207: Section 14. Determination of validity

Section 14. If the validity of a marriage is doubted, either party may institute an action for annulling such marriage, or if it is denied or doubted by either party, the other party may institute an action for affirming the marriage. Such action shall be commenced in the same manner as an action for divorce, and all the provisions of chapter two hundred and eight relative to actions for divorce shall, so far as appropriate, apply to actions under this section. Upon proof of the validity or nullity of the marriage, it shall be affirmed or declared void by a judgment of the court, and such judgment of nullity may be made although the marriage was solemnized out of the commonwealth, if at that time and also when the action was commenced the plaintiff had his domicile in the commonwealth, or if he had resided in this commonwealth for five years last preceding the commencement of said action, unless the court finds that he has removed into this commonwealth for the purpose of obtaining said judgment.

The register of probate shall, within two days after the expiration of the appeal period following the entry of a judgment annulling a marriage, or if an appeal was taken within two days after entry of final judgment pursuant to a rescript of the appellate court, send an attested copy thereof to the commissioner of public health, the clerk or registrar of the city or

town in the commonwealth where the marriage was solemnized, and the clerk or the registrar of each city and town in the commonwealth where a party to the marriage dwelt at the time of the marriage. The commissioner of public health and every clerk or registrar to whom such an attested copy is sent shall, forthwith upon receipt of such copy, enter upon the margin of his record of the marriage a note of reference to the judgment of annulment.

Chapter 207: Section 19 Situs; time; fees

Section 19. Persons intending to be joined in marriage in the commonwealth shall, not less than three days before their marriage, jointly cause notice of their intention to be filed in the office of the clerk or registrar of any city or town in the commonwealth, and pay the fee provided by clause (44) of section thirty-four of chapter two hundred and sixty-two. In computing the three day period specified in this section and in determining the third day referred to in section twenty-eight, Sundays and holidays shall be counted.

Chapter 207: Section 20 Written notice; oath

Section 20. The clerk shall require written notice of intention of marriage, on forms furnished by the state registrar of vital records and statistics, containing such information as is required by law and also a statement of absence of any legal impediment to the marriage, to be given before such town clerk under oath by both of the parties to the intended marriage; provided, that if a registered physician makes affidavit to the satisfaction of the town clerk that a party is unable, by reason of illness, to appear, such notice may be given on behalf of such party, by his or her parent or legal guardian, or, in case there is no parent or legal guardian competent to act, or by the other party. Said forms containing the parties' written notice of intent to marry shall constitute a public record. In addition to such forms, the town clerk shall also require the parties to furnish information required for a separate report to be transmitted to the state registrar, including the social security number and residence address of both parties and such other information as may be required by state or federal law. A copy of said report shall not be retained by the town clerk nor shall it constitute a public record. The state registrar may make the information contained in said separate report available to the IV-D agency as set forth in chapter 119A and to such other state or federal agencies as may be required by state or federal law. In case of persons, one or both of whom are in the armed forces, such notice may be given by either party, provided that one is domiciled within the commonwealth. In the case of persons, one of whom is incarcerated in a county house of correction, or a state correctional facility, such notice shall be given by either party to the intended marriage. The oath or affirmation to such notice shall be to the truth of all the statements contained therein whereof the party subscribing the same could have knowledge, and may be given before the town clerk or before a regularly employed clerk in his office designated by him in writing and made a matter of record in the office. No fee shall be charged for administering such oath or affirmation. In towns having an assistant town clerk, he may administer the oath.

Chapter 207: Section 23 Notice; time and situs of receiving

Section 23. The clerk or registrar need not receive notices of intention of marriage on Sunday or a legal holiday, nor at any place except his office.

Chapter 207: Section 24 Nonage minors; receiving of notice; prohibition

Section 24. The clerk or registrar shall not, except as provided in the following section, receive a notice of the intention of marriage of a person under eighteen.

Chapter 207: Section 25 Nonage minors; authorization of marriage

Section 25. The probate court for the county where, or a district court within the judicial district of which, a minor under the age specified in the preceding section resides may, after hearing, make an order allowing the marriage of such minor, if the parents or surviving parent of such minor, or, if only one such parent resides in the commonwealth, that parent, or, if neither such parent is alive and resident thereof, or if the parent or parents qualified as aforesaid to consent are disqualified as hereinafter provided, a legal guardian with custody of the person of such minor has consented to such order. If a parent has deserted his family, or if found to be incapacitated by reason of mental illness and incapable of consent, or if found unfit

under the provisions of section five of chapter two hundred and one to have custody of such minor, it shall not be necessary to obtain his consent to such order. If a parent whose consent would be required if living in the commonwealth lives outside thereof and the address of such parent is known, such notice of the proceedings shall be given him as the probate or district court may order. Said court may also after hearing make such order in the case of a person whose age is alleged to exceed

that specified in the preceding section, but who is unable to produce an official record of birth, whereby the reasonable doubt of the clerk or registrar, as exercised under section thirty-five, may be removed. Upon receipt of a certified copy of such order by the clerk or registrar of the town where such minor resides, he shall receive the notice required by law and issue a certificate as in other cases.

Chapter 207: Section 26 Notice without consent; liability; cancellation

Section 26. Whoever, without the consent of both parties to an intended marriage, gives the notice of their intention of marriage required by law shall be liable in damages to either of such parties whose name was so used without such consent. The superior court, upon petition of either party alleged to intend marriage in such a notice given without the consent of both parties, and not followed by their intermarriage, may, after notice and a hearing, order that such notice of intention be cancelled in the town records.

Chapter 207: Section 27 Adopted persons

Section 27. A party to an intended marriage who has been legally adopted shall, in the notice of intention thereof, give the names of his parents by adoption; and the names of his parents may also be added. The consent of a parent by adoption to the marriage of a minor shall be sufficient if the consent of a parent of a minor is required by law as a preliminary to marriage. If the natural parents of a minor have been divorced and the consent of one of them is required by law, preliminary to the marriage of such minor, the consent of the parent having the custody of such minor shall be sufficient.

Chapter 207: Section 28 Certificate of intention of marriage; delivery; time

Section 28. On or after the third day from the filing of notice of intention of marriage, except as otherwise provided, but not in any event later than sixty days after such filing, the clerk or registrar shall deliver to the parties a certificate signed by him, specifying the date when notice was filed with him and all facts relative to the marriage which are required by law to be ascertained and recorded, except those relative to the person by whom the marriage is to be solemnized. Such certificate shall be delivered to the minister or magistrate before whom the marriage is to be contracted, before he proceeds to solemnize the same. If such certificate is not sooner used, it shall be returned to the office issuing it within sixty days after the date when notice of intention of marriage was filed.

Chapter 207: Section 28A was repealed, effective January 28, 2005 through Chapter 388 of the Acts of 2004. (Medical Certificates are no longer required.)

Chapter 207: Section 29 Certificate of intention of marriage; issuance to immigrants

Section 29. If either of the parties to an intended marriage has arrived as an immigrant from a foreign country within five days, the notice of intention may be filed at any time before the marriage, and the certificate required by the preceding section shall be issued at any time after the filing of such intention.

Chapter 207: Section 30 Certificate of intention of marriage; dispensing with three days' notice

Section 30. Upon application by both of the parties to an intended marriage, when both parties are residents of the commonwealth or both parties are non-residents, or upon application of the party residing within the commonwealth when one of the parties is a resident and the other a non-resident, a judge of probate or a justice of a district court, or a special judge of probate and insolvency or special justice of a district court, may, after hearing such evidence as is presented, grant a certificate stating that in his opinion it is expedient that the intended marriage be solemnized without delay. Upon presentation of such a certificate, or, in extraordinary or emergency cases when the death of either party is imminent, upon the authoritative request of a minister, clergyman, priest, rabbi, authorized representative of a Spiritual Assembly of the Baha'is or attending physician, the clerk or registrar of the town where the notice of intention has been filed shall at once issue the certificate prescribed in section twenty-eight.

Chapter 207: Section 31 Certificate of intention of marriage; prohibition of alteration

Section 31. No alteration or erasure shall be made by any person on the certificate under section twenty-eight until it has been returned to the clerk or registrar, and then only in such form and to such extent as he may prescribe. Any such certificate may be recorded after correction in accordance herewith.

Chapter 207: Section 33A Proof of age

Section 33A. If it appears from the statements made in the written notice of intention of marriage that a party to such intended marriage is under eighteen, the clerk or registrar shall not, except as required under section twenty-five, issue a certificate under section twenty-eight before receiving proof of the age of the parties. Such proof shall be contained in any of the following documents, graded and taking precedence in the order named: (1) an original or certified copy of a record of birth; (2) an original or certified copy of a baptismal record; (3) a passport; (4) a life insurance policy; (5) an employment certificate; (6) a school record; (7) an immigration record; (8) a naturalization record; or (9) a court record. Documentary evidence of a lower grade as aforesaid shall not be received by the clerk or registrar unless he is satisfied that evidence of a higher grade is not readily procurable. If no such documentary proof of age is procurable, the consent of the parent shall be sufficient. If the clerk or registrar has reasonable cause to believe that a party to an intended marriage represented to be eighteen or over, is under such age, he shall, before issuing such certificate, require documentary proof of age as aforesaid.

Chapter 207: Section 35 Refusal of certificate

Section 35. The clerk or registrar may refuse to issue a certificate if he has reasonable cause to believe that any of the statements contained in the notice of intention of marriage are incorrect; but he may, in his discretion, accept depositions under oath, made before him, which shall be sufficient proof of the facts therein stated to authorize the issuing of a certificate.

He may also dispense with the statement of any facts required by law to be given in a notice of intention of marriage, if they do not relate to or affect the identification or age of the parties, or a former marriage of either party, if he is satisfied that the same cannot with reasonable effort be obtained.

Chapter 207: Section 37 Impediments to marriage; list; posting

Section 37. The commissioner of public health shall furnish to the clerk or registrar of every town a printed list of all legal impediments to marriage, and the clerk or registrar shall forthwith post and thereafter maintain it in a conspicuous place in his office.

Chapter 207: Section 50 was repealed effective July 31, 2008 through Chapter 216 of the Acts of 2008.

Former Chapter 207: Section 50. Knowingly issuing certificate or performing marriage in evasion of laws of foreign state

[Text of section that was effective until July 31, 2008. Repealed by 2008, 216, Sec. 2.]

Section 50. Any official issuing a certificate of notice of intention of marriage knowing that the parties are prohibited by section eleven from intermarrying, and any person authorized to solemnize marriage who shall solemnize a marriage knowing that the parties are so prohibited, shall be punished by a fine of not less than one hundred or more than five hundred dollars or by imprisonment for not more than one year, or both.

Chapter 207: Section 51 Violation of certain provisions of this chapter

Section 51. Violations of any provision of section seven, twenty-six or thirty-four, shall, upon complaint made within one year thereafter, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Chapter 207: Section 52 Violation of law concerning making notice of intention; false statements

Section 52. Whoever violates any provision of section twenty, and whoever falsely swears or affirms in making any statement required under section twenty, shall be punished by a fine of not more than one hundred dollars.

Chapter 207: Section 53 Certificate of intention of marriage; issuance to nonage persons

Section 53. A clerk or registrar issuing a certificate of intention of marriage contrary to section thirty-three shall forfeit not more than one hundred dollars.

Chapter 207: Section 54 Certificate of intention of marriage; illegal alteration

Section 54. Whoever makes an illegal alteration or erasure on a certificate of intention of marriage shall be punished by a fine of not more than one hundred dollars.

Chapter 207: Section 57 Certificate of intention of marriage; failure to return

Section 57. Whoever performs a ceremony of marriage upon a certificate more than sixty days after the filing of the notice of intention of marriage as set forth in such certificate, and whoever having taken out such certificate and not having used it fails to return it, within sixty days after such filing, to the office issuing the same, shall be punished by a fine of not more than ten dollars.

Chapter 208: Section 23. Resumption of former name by woman

The court granting a divorce may allow a woman to resume her maiden name [name at birth or adoption] or that of a former husband [surname before marriage terminating in divorce].

Chapter 208: Section 24. Divorced parties; remarriage

After a judgment of divorce has become absolute, either party may marry again as if the other were dead.

Chapter 268: Section 1A Statements containing declaration relative to penalties of perjury; verification; false statements

Section 1A. No written statement required by law shall be required to be verified by oath or affirmation before a magistrate if it contains or is verified by a written declaration that it is made under the penalties of perjury. Whoever signs and issues such a written statement containing or verified by such a written declaration shall be guilty of perjury and subject to the penalties thereof if such statement is willfully false in a material matter.

Appendix B

Contacts for More Information on Marriages

Alex Forman Director Registration Unit
(617) 740-2625
alex.forman@mass.gov

Tiffany White, Marriage Specialist
(617) 740-2608
tiffany.white@mass.gov

Adahma Lucas-Conley, Registration Supervisor
(617) 740-2665
adahma-lucas-conley@mass.gov

Christina Bocolos, Amendment Unit Supervisor
(617) 740-2679
christina.bocolos@mass.gov

Registry of Vital Records and Statistics
150 Mt. Vernon St., 1st Floor
Dorchester, MA 02125

Main Telephone: (617) 740-2600
FAX: (617) 740-2713
Email:
vital.regulation@mass.gov

FORMS ORDERS: vital.forms@mass.gov

Contact for Information on Officiant Commissions

Secretary of the Commonwealth
Commissions Division
McCormack Building, 17th Floor
One Ashburton Place
Boston, MA 02108
(617) 727-2836
<http://www.state.ma.us/sec/>

Contact for Information on Notaries Public

Governor's Executive Council
Notary Public Office
Room 184, State House
Boston, MA 02133
617-725-4030

Appendix C

Notice to Parties where English is not their first language

Below is text that may be helpful for you to provide to parties who have limited English proficiency. You should recommend that the parties have a qualified translator accompany them to your office before the parties sign the Notice of Intention under oath.

RVRS has available translated versions of the Notice of Intention of Marriage that may be used for informational purposes only. Languages available are:

Spanish

Portuguese

Chinese (Simplified)

Haitian Creole

Vietnamese

Khmer

Cape Verdean

Russian

Arabic

Korean

A translator is still recommended to ensure that the parties understand that they may not complete a translated version of the Intention and they must complete the Notice in English.

Alternatively, you may recommend that parties take a photocopy of the Intention, clearly marked "SAMPLE" to a qualified translator before you administer an oath to the parties.

Appendix D

Amending the Sex Designation on a Marriage Certificate

R-119 07/01/2024

Fact Sheet Amending the Sex Designation on a Marriage Certificate Registry of Vital Records and Statistics Massachusetts Department of Public Health	
	
<p>Massachusetts General Law allows for the removal of Sex of Party fields on a Massachusetts marriage certificate by means of an affidavit. In conjunction with a request to remove the Sex of Party fields, applicant(s) may amend name(s) in upon submission of a judicial change of name, if applicable. A new marriage certificate will be issued upon receipt of the evidence outlined below. Note that an amendment to remove Sex of Party fields will remove the field for both parties.</p>	
Evidence	<p>The following documents are required:</p> <p>1. The <i>Applicant Affidavit to Remove the Sex Designations on a Marriage Certificate</i> form.</p> <p>Alternatively, a similar affidavit may be submitted that includes:</p> <ul style="list-style-type: none">• Full name, date of marriage, place of marriage and spouse's name as appear on the subject's existing marriage certificate.• The applicant's written request and authorization for a permanent amendment of the marriage certificate to remove Sex of Party fields on the certificate and, if applicable, to reflect a legal change of name.• Contact information including current name and address. Providing a telephone number and/or email address is helpful.• Applications must be signed and dated by both parties to the marriage.• The affidavit must conclude with the following attestation: "I declare under the pains and penalties of perjury that the information above is true and accurate and not made for any fraudulent purpose. Upon signing, I am authorizing a permanent change to the marriage certificate as listed above." <p>2. A court-certified copy of the applicant's legal name change decree, if applicable.</p>
To Apply	Apply by mail or by making an appointment with the city or town hall where you filed your Intention to Marry (where you applied for and received your marriage license). Include the required evidence as listed above. Please contact the local City or Town Clerk, or Boston Registrar, for more information and fees. A list of websites for Massachusetts cities and towns can be found at this link: https://www.mass.gov/lists/massachusetts-city-and-town-websites .
Basis	<p>Chapter 46, §13(e) of the Massachusetts General Laws states:</p> <p>-(I) Upon application of both parties to a marriage, the record of marriage shall be amended to remove the sex of either or both parties to the marriage and change either or both parties' names upon receipt of the following by the state registrar or town clerk: (i) an affidavit executed by the parties to the marriage on a form provided by the registrar attesting to their concurrence that the record be amended to reflect or remove the gender identity or sex of the any such party; and (ii) a request by a party for a change of name along with evidence of the party's legal change of name.</p>

For more information about legal changes of name	<p>To obtain information about legal changes of name, please contact your local Massachusetts Probate and Family Court. If you are not a Massachusetts resident, contact the court of appropriate jurisdiction in your area.</p> <p>Resources, forms, and instructions: http://www.mass.gov/courts/resources.html</p>
For more information about amending a birth certificate	<p>Please feel free to contact the Registry of Vital Records and Statistics for additional information:</p> <p>By Mail: Registry of Vital Records and Statistics 150 Mt. Vernon Street, 1st Floor Dorchester, MA 02125</p> <p>By Telephone: (617) 740-2600</p> <p>By Email: RVRSAmendments@mass.gov</p>


Applicant Affidavit to Remove Sex Designations on a Marriage Certificate

 Registry of Vital Records and Statistics
 Massachusetts Department of Public Health


Information on existing marriage certificate	Party A: <i>First</i>	<i>Middle</i>	<i>Last</i>
	Party B: <i>First</i>	<i>Middle</i>	<i>Last</i>
	City/Town where Marriage Intentions were Filed		Date of Marriage:
Names to appear on amended record (if legal change of name)	Party A: <i>First</i>	<i>Middle</i>	<i>Last</i>
	Party B: <i>First</i>	<i>Middle</i>	<i>Last</i>
Applicant's contact information	Mailing Address:		
	Telephone (optional):	Email (optional):	
Applicant affidavit	<p>I hereby request a permanent amendment of my marriage certificate registered in Massachusetts. I understand that a new record will be issued that does not contain Sex of Party fields for either party and will reflect my/our correct name(s) if accompanied by a legal change of name decree.</p> <p>In addition to this Affidavit, I am also submitting:</p> <p><input type="checkbox"/> A court-certified copy of my legal name change decree (if applicable); and</p> <p><input type="checkbox"/> A check or money order if fee is required.</p> <p>I declare under the pains and penalties of perjury that the information above is true and accurate and not made for any fraudulent purpose. Upon signing, I am authorizing a permanent change to the marriage certificate as listed above.</p> <p>X _____ Date _____</p> <p>X _____ Date _____</p>		
For more information or to apply	<p>An application for amendment may be submitted by mail or by making an appointment at the city or town hall where you filed your Notice of Intention to Marry (where you applied for and received your marriage license). Fees for amendments and certified copies vary by community.</p> <p>For more information, contact the city or town directly or the Registry of Vital Records and Statistics.</p> <p>A list of city and town websites can be found at this link: https://www.mass.gov/lists/massachusetts-city-and-town-websites</p> <p>Registry of Vital Records and Statistics Telephone: (617) 740-2600 Email: RVRSAmendments@mass.gov</p>		

Appendix E

Sample Affidavit of Consent to Void a Marriage Certificate under former G.L. c.207 §11.

This sample is specific to marriages void under G.L. c. 207 §11. The parties' affidavit should reflect the operative law, if other than §11.

All items must be complete, and all statements must be read and checked as true:

I, _____, duly sworn depose and state:

I am making this Affidavit of Consent (hereinafter Consent) in connection with an application for a Massachusetts license to marry (also known as an Intention to Marry) filed by _____ (name), the second party on my Massachusetts marriage certificate.

I am in agreement that my marriage to _____ (name) on _____ (month, day, year) in _____ (city/town), Massachusetts (hereinafter my marriage or our marriage), was **void** at the time of our marriage for the following reason:

I was a resident of _____ (state/jurisdiction) and intended to reside in _____ (state/jurisdiction), and at the time of our marriage, our marriage would have been void if contracted there. At the time of our marriage, Massachusetts General Law Chapter 207 §11³ operated to make our marriage null and void because [specify reason and citation to applicable home state law] _____.

To my knowledge, there are no existing judicial judgments, decrees or orders pertaining in any way to the validity of our marriage or pending judicial actions to determine the validity of our marriage,

I consider myself to never have been legally married to the party identified above and on the Massachusetts Certificates of Marriage registered with city/town where I obtained the license and with the Massachusetts Registry of Vital Records and Statistics.

I understand and voluntarily consent to having the registered Certificates of Marriage (and any amendments to such certificates) relating to the aforementioned marriage marked "void" or "annulled" in the records of the City/Town of _____ and in the records of the Massachusetts Registry of Vital Records and Statistics (RVRS).

I know I can consult with an attorney of my choice before signing this Consent if I have any questions or concerns.

I sign this Consent knowingly and voluntarily and forever waive any and all legal claims against state or city/town officials for any consequences arising from my consent to having the registered Certificates of Marriage regarding our marriage marked as "void" or "annulled."

Signed this _____ day of _____ (month) of 20____ under the pains and penalties of perjury

_____ (signature)

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief.

_____ (official signature and seal of notary)

³ Chapter 207: Section 11. Non-residents; marriages contrary to laws of domiciled state [Text of section effective until July 31, 2008. Repealed by 2008, 216, Sec. 1.]: No marriage shall be contracted in this commonwealth by a party residing and intending to continue to reside in another jurisdiction if such marriage would be void if contracted in such other jurisdiction, and every marriage contracted in this commonwealth in violation hereof shall be null and void.

Appendix F – Sample Rejection Letter



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Registry of Vital Records and Statistics
150 Mt. Vernon Street, 1st Floor
Dorchester, MA 02125

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary
MARGRET R. COOKE
Commissioner
Tel: 617-740-2800
www.mass.gov/dph/rvrs

PLEASE NOTE THIS LETTER SHOULD BE PUT ON YOUR CITY/TOWN LETTERHEAD

December 21, 2024

Essex Probate and Family Court (SHOULD BE THE PROBATE COURT IN YOUR COUNTY)
45 Congress St.
Salem, MA 01970

RE: Notice of Refusal to Amend a Vital Record

This letter is in response to a request by "First Name, Last Name" to correct the marriage certificate of Party A and Party B, married on June 1, 2024, to amend Party A/B name from "First Name, Last Name" to "First Name, Last Name." However, upon reviewing the case, it was determined that our office cannot do so. Vital records such as birth, death and marriage records are point in time documents. Therefore, as they have signed the intentions dated May 21, 2024, as "First Name, Last Name" by rule, Party A/B have stated that they were going by that name at that point in time.

When reviewing this request, two guidelines were primarily considered. The first was Massachusetts General Laws (chapter 46, section 13) which outlines what procedures and evidence is required to amend a vital record. An amendment can only correct information to reflect what was true at the time of the event and must be backed by evidence that verifies the updated information beyond a reasonable doubt.

The second guideline was 1977 Massachusetts Supreme Judicial Court Decision (Commonwealth v. Lowell). This decision gave everyone in Massachusetts the right to use any name they wish as long as there was no intent to defraud. In addition, it also allowed people to adopt a different name without obtaining a court action such as a legal name change. However, it further stated that city or town clerks in Massachusetts were not obligated to amend vital records to reflect this change. Therefore, since the name "First Name, Last Name" on the existing record was verified at the time it was established, we are under no obligation to change the spelling of the first name and add an additional last name.

If you have any further questions, feel free to contact me at this office for additional information.

Sincerely,

Appendix G - Sample Probate Court Judgment to Correct a Marriage Record

Decree affirming a marriage and correcting the date of marriage

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

DECREE

Docket # [REDACTED]

At a Probate Court held at Cambridge in and for said County of Middlesex, on the eight day of August in the year of our Lord two thousand and [REDACTED]

On the Petition of [REDACTED] and [REDACTED] to

Correct the marriage record

praying that this Honorable Court order the City Clerk of the City of Waltham to correct the marriage record of [REDACTED]

And [REDACTED] by Affirming their marriage, and by changing the date of marriage to [REDACTED]

All persons interested having assented to said petition and no objection being made, and it appearing to the court, reasonable

It is decreed that the City Clerk prepare a new marriage record for the Petitioners and substitute the new certificate for the old certificate as Provided by M.G.L. Chapter 46 Section 13, to reflect the date of marriage in Parts #2, 20, and 21 of the current marriage certificate to be [REDACTED]

[REDACTED]
Judge of the Probate Court
Dated: [REDACTED]



Appendix H – Sample Completed Marriage Certificate with Notes

<p>Form R-201-01-2024</p> <p>"R" IS RESTRICTED. (IMP/PARNMAR) NOT NEEDED, IF PARENTS ARE MARRIED DO NOT CHECK THE BOX</p> <p><input type="checkbox"/> This certificate is not to be used outside of MA.</p> <p>Do not copy margin.</p> <p>Not Valid After: MAY 1, 2024</p> <p>NOT VALID AFTER DOES NOT FILL IN. TYPE IN 60 DAYS FROM INTENTION</p> <p>Use only permanent black ink.</p> <p>Alterations are not allowed. Penalty for violation. MGL c 207, §§ 28, 28A, 48, 49, 54, 57 and c 46, 8 18</p> <p>IF ISSUE DATE IS LESS THAN 3 DAYS, COURT WAIVER MUST BE CHECKED & EVIDENCE ATTACHED</p> <p><input type="checkbox"/> Court Waiver <input type="checkbox"/> Commission</p> <p>COMMISSION BOX MUST BE CHECKED IF 1 DAY SOLEMNIZER CERT WAS OBTAINED, ATTACH ORIGINAL EVIDENCE</p> <p>If attached Vol: _____ Page: _____ No. _____</p>		<p>The Commonwealth of Massachusetts Department of Public Health • Registry of Vital Records and Statistics CERTIFICATE OF MARRIAGE</p> <p>BOSTON MUST MATCH COMMUNITY ON LINE #14</p>		<p>State File Number</p>
		<p>1 MUST MATCH CITY/TOWN ON LINE #20</p> <p>2 MUST MATCH LINE #20 AND BE ALPHANUMERIC</p>		
		<p>Intention Number APRIL 1, 2024</p> <p>2. Date of Marriage JOHN JAMES BROWN FIRST, MIDDLE, LAST</p> <p>11. Full Name – Party B JOHN JAMES BROWN FIRST, MIDDLE, LAST</p> <p>11A. Name after Marriage JUNE 7, 2000 ALPHA NUMERIC HOMEMAKER</p> <p>12. Date of Birth 150 MT VERNON ST --- 13. Occupation</p> <p>14. Residence (No. & St.) BOSTON, MA 02125 (City/Town, State or Country, Zip Code)</p> <p>15. Number of Marriage 3 THIRD OR 3RD DIVORCED DIV / D / W / WID</p> <p>16. Birthplace (City/Town and State or Country) MARYANNE JANICE WENDY WILLIAMS / DOE</p> <p>17. Name of Parent JACOB MARK DOE / SMITH SURNAME AT BIRTH/ADOPTION IS ACCEPTABLE</p> <p>18. Name of Parent SUZANNE MICHELLE BEYONCE SERINA VENUS DAVIS / BROWN MARRIED NAME/MAIDEN NAME OR MAIDEN NAME/MARRIED NAME BOTH ARE ACCEPTED</p> <p>19. The INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Commu according to law, this 1 1, 1ST FIRST MARCH , 20 24 START OF 60 DAYS</p> <p>BOSTON Name of Community ALPHANUMERIC. MUST BE 3 DAYS OR MORE WITHOUT WAIVER Day Month Year</p> <p>Issued APRIL 4, 2024 by TIFFANY WHITE WET SIGNATURE OR STAMP</p> <p>Month Day Year City or Town Clerk or Registrar</p> <p>20. SOLEMNIZER: I hereby certify that I solemnized the marriage of the above-named persons at the place and date listed below: ST. JOSEPH'S CATHOLIC CHURCH MARLBOROUGH MUST MATCH LINE #1</p> <p>Place (Number & Street, or Name of Place of Worship) APRIL 1, 2024 ALPHANUMERIC. MUST MATCH LINE #2</p> <p>JUSTICE OF THE PEACE Title (Clergy Member, Priest, Rabbi, Imam, Justice of the Peace) 123 NONAME STREET BOSTON, MA 02124</p> <p>Address CITY, STATE & ZIP CODE REQUIRED. TOWN/CITY CANNOT BE ABBREVIATED</p> <p>APRIL 2, 2024 ALPHANUMERIC DO NOT FILL IN FOR MARRIAGE LICENSE Date of Amendment TIFFANY WHITE WET SIGNATURE OR STAMP</p> <p>21. Date of Record City/Town Clerk or Reg</p>		