

Obtaining a Marriage or Civil Union License

When and where do we obtain a marriage or civil union license?

You may apply for a license within 35 days of the ceremony date.

Couples may apply for and receive a Marriage or Civil Union License at Elbert County Recording Department located at 440 Comanche Street in Kiowa. ***No appointments needed at this time.***

What's needed for identification and proof of age for a marriage license? (Only one needed)

Proof of Identification:

Valid ID must be furnished by both parties &, must be originals -no copies accepted

- U.S. Driver's license
- Passport
- U.S. Military ID (if it has a photo and date of birth)
- Inmate ID (if it has a photo and date of birth)
- State identification Card (if it contains photo and date of birth)
- Tribal identification Card
- Birth Certificates

Copies available at: Public Health Elbert County

75 Ute Ave

Kiowa, Co 80117

303-621-3190

(Contact a Recording Clerk for additional acceptable forms of ID.)

Proof of age guidelines: (must be accompanied with a photo)

- 18 and older – No parental consent is required
- Younger than 18 – Court order or Judicial approval – NO EXCEPTIONS!
- Domestic birth certificate original or certified copy
- Foreign birth certificate (The birth certificate **MUST** be in English otherwise it must be translated, and the translation must be notarized)

What are the Social Security Number requirements to apply for a Marriage or Civil Union License?

Per Colorado Statutes, the last four digits of a social security number are required on a Marriage License. The entire social security is required for Civil Union. If applicant does not have a social security number, complete, and sign this [Affidavit](#) stating that the party does not have a social security number.

How do you fill out application?

- Both parties must complete and sign the marriage application form. Both parties must apply IN PERSON before the recording staff.
- If one of the parties is military or out of state and cannot appear in person, he or she MUST complete, sign and, notarize this [Absentee Affidavit](#) with a notarized signature and provide a copy of valid identification showing proof of age of the absent party.
- Applicants for a marriage license need not be a Colorado resident.
- A couple already married, who wish to renew their marriage vows, may obtain a license by marking the box renewing your vows on the bottom of the application.

What types of Marriage are prohibited?

- One of the parties is still married to another person – all divorces must be final
- Ancestor and descendant
- Siblings includes half blood
- Uncle and Niece
- Aunt and Nephew

*Marriage between first Cousins **is** permitted in Colorado*

What's the cost to obtain a Marriage or Civil Union License?

The fee for obtaining a license is **\$30.00 CASH ONLY**.

Do we need a blood test?

As of July 1, 1989, blood tests are not required

My future spouse and I live in different counties, which county do we get our license?

You may obtain your license from any County in Colorado. The only restriction is that you **MUST** return the license to the issuing county.

What types of solemnization ceremonies are available in Colorado?

Colorado allows for three types of solemnization:

- Religious
Religious officiants must sign the license and be recognized by the organization that ordained them to lawfully perform ceremonies in Colorado. Clergy from out

- Civil
 - A judge of a court.
 - A court magistrate.
 - A retired judge of the court.
 - A public official whose powers include solemnization of marriage.
 - Indian tribe officials.

- Self-solemnization
A couple may choose to not have a religious or civil ceremony and declare themselves legally married/joined in union. (C.R.S. 14-2-109).
IMPORTANT NOTE: this means friends or relatives cannot solemnize a marriage or civil union unless authorized to conduct a religious or civil ceremony in Colorado.

Are there additional requirements if one of the parties is divorced?

If either party has been divorced the following information must be provided:

1. Date of divorce
2. Type of court where the divorce took place
3. The city and state where the divorce occurred

Are there witness requirements?

Witness is **NOT** required in Colorado. Some clergy, judges, or public officials may request them.

What is the next step after signing the Marriage/Civil Union license?

Once the license is signed by all parties involved, it must be returned to the county where you took the application at within **63 days** of the ceremony. Any license not returned to our office within 63 days from the date of ceremony shall incur a minimum late fee of no less than \$20.00 with an additional \$5.00 assessed each day thereafter not to exceed \$50.00. The postmark will be used to calculate applicable late fees.

What is the process of changing names after the ceremony?

Once recorded with the county we will provide you with certified copy of the recorded license. Then you'll take that certified copy to the Social Security Office (address on web) where they will process your request. Any additional certified copies are \$2.00 plus .25 cents per copy.

What is the difference between Civil Union and Common Law Marriage?

Civil Union is a legal relationship between two people that provides legal protection to the couple at the state level. If a couple is in a civil union they get inheritance rights, employment benefits, property, parental rights, and more.

Common law the clerk and recorder does not facilitate Common Law Marriages. However, the couple must obtain the document, called Complete and sign this **Common law affidavit** of a couple's choosing. The couple must execute it, sign in the presence of a Notary Public, and may bring in the Affidavit to be recorded during business hours. There is no application process. It is recommended to consult the Colorado Revised Statute or a trusted attorney.

Proxy marriage license may be granted to an absent person who is:

- ❖ A member of the armed forces of the United States who is stationed in another country or in another state in support of combat or military operation: or
- ❖ A government contractor or an employee of a government contractor working or in support of US military operations in another country or in another state.

Requirements for applying for a marriage license for proxy marriage are:

- ❖ One party is a resident of Colorado.
- ❖ One party appears in person to apply for the marriage license and pays the required fees.
- ❖ The signature of both parties to the proxy marriage are required, and the party present shall sign the marriage license application and provide an absentee affidavit form containing the notarized signature of the absent party, along with proper identification documents required for a marriage license for the absent party: and
- ❖ Both parties (and the proxy) are 18 years of age or older.
- ❖ The proxy for the absent spouse must be the person named on the **Power of Attorney form**, must have a valid ID and must be present to apply for the marriage license.

Self-solemnization is not allowed in a marriage by proxy.