

ATTENTION:

Please carefully read the instructions below for the Affidavit of Inability to Appear process.

- The Affidavit of Inability to Appear form **MUST** be completed entirely with black or blue ink only and needs to be legible. No whiteouts or alterations will be accepted.
- Please complete the Marriage License application (Lines 1A through 24 AND 29A through 30C)
 - If the party does **NOT** wish to change their name in sections 29A through 30C, they must line through the boxes and initial
- Please complete the Marriage License and Certificate Request form (attached) and include a copy of valid government issued identification for each party to the marriage.
- Please include your Officiant's contact information on the provided form.
- **Your Officiant** (the person solemnizing the marriage) is required to physically return all completed forms to our office and may do so using the drop box located outside our office (8:00AM – 4:00PM). The Officiant **MUST** inform us by calling (209)-525-5251.

Payment must also be included as follows:

- Public License **\$76.00** or Confidential License **\$81.00**
- Certified copy of marriage certificate: **\$15.00 per copy** (separate from license fee)
- Please make your check or money order payable to: **Stanislaus County Clerk-Recorder**

PLEASE NOTE:

Physically present forms and payment in our drop box located at:

Stanislaus County Clerk-Recorder
1021 I Street Suite 101
Modesto, CA 95354

- When completing the Affidavit of Inability to Appear form you **MUST** print your full legal name as it appears on your valid government issued identification. Any variance between this form and the notary acknowledgement will cause delays.
- The Affidavit of Inability to Appear must be signed (**original signatures**) by Party A, Party B and the Officiant (person solemnizing the marriage). Both parties to the marriage must be acknowledged and the notary public authentications must have an **original signature and seal**.
- We will **NOT** begin completing your marriage license request until all forms are properly completed and payment is received. **Once the license is complete, we will mail it to your Officiant.** Please use the attached form to provide the current address, telephone number and email address for your officiant.

IMPORTANT:

- The ceremony must take place within 90 days from the **date the license is issued**. A new license **MUST** be purchased if you do not have a ceremony within 90 days.
- Minors **CANNOT** use the Affidavit for an Inability to Appear.



AFFIDAVIT OF INABILITY TO APPEAR AND REQUEST FOR ISSUANCE OF A

Check one of the following:

- CONFIDENTIAL MARRIAGE LICENSE PURSUANT TO FAMILY CODE SECTION 502**
- PUBLIC MARRIAGE LICENSE PURSUANT TO FAMILY CODE SECTION 426**

We, the undersigned, do hereby declare:

that _____
(Print Full Legal Name(s) of Person(s) Unable to Appear)

is/are physically unable to appear in person at the County Clerk's Office to apply for a marriage license due to:

Check one of the following:

- Hospitalization (must attach proof of hospitalization)
- Incarceration
- COVID-19
- Other _____

(Reason Proved to the Satisfaction of the County Clerk)

and hereby request the marriage license be issued to _____
(Print Name of Person Solemnizing Marriage)
as the officiant who will be solemnizing the marriage.

(Print Full Legal Name of First Person) (Date of Birth (MM/DD/CCYY))

(Print Full Legal Name of Second Person) (Date of Birth (MM/DD/CCYY))

We certify under penalty of perjury under the laws of the State of California that the foregoing information is true and correct:

Executed on: _____ at _____
(MM/DD/CCYY) City/State

▶ _____
(Signature of First Person)

Executed on: _____ at _____
(MM/DD/CCYY) City/State

▶ _____
(Signature of Second Person)

Executed on: _____ at _____
(MM/DD/CCYY) City/State

▶ _____
(Signature of Person Solemnizing Marriage)

NOTE: The person solemnizing the marriage must **physically** present the completed affidavit to the County Clerk at the time the marriage license is issued [Family Code Sections 426(a); 502(a)].

The signature(s) of the person(s) who is/are physically unable to appear in person at the County Clerk's Office **must be authenticated by a Notary Public or a Court** prior to the County Clerk issuing the marriage license [Family Code Sections 426(c); 502(c)].

NOTE: Government Code (GC) Section 8224(a) prohibits the notary public who has authenticated the signature(s) of the person(s) who is/are unable to physically appear in person at the County Clerk's Office from also being the person solemnizing the marriage.

Pursuant to Family Code Section 500, couples applying for a Confidential Marriage License must already be living together as spouses.

ACKNOWLEDGMENT

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

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

ACKNOWLEDGMENT

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

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

**APPLICATION FOR LICENSE AND CERTIFICATE OF MARRIAGE
MUST BE LEGIBLE**

<input type="checkbox"/> Groom <input type="checkbox"/> Bride FIRST PERSON DATA	1A. FIRST NAME				1B. MIDDLE	
	1C. CURRENT LAST				1D. LAST NAME AT BIRTH (IF DIFFERENT THAN 1C)	
	2. DATE OF BIRTH (MM/DD/CCYY)		3. STATE/COUNTRY OF BIRTH		4. # PREV. MARRIAGES / SRDP	
	5A. LAST MARRIAGE / SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A				5B. DATE ENDED (MM/DD/CCYY)	
	6. ADDRESS			7. CITY		8. STATE / COUNTRY
	9. ZIP CODE					
10A. FULL BIRTH NAME OF FATHER / PARENT				10B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY)		
11A. FULL BIRTH NAME OF MOTHER / PARENT				11B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY)		
<input type="checkbox"/> Groom <input type="checkbox"/> Bride SECOND PERSON DATA	12A. FIRST NAME				12B. MIDDLE	
	12C. CURRENT LAST				12D. LAST NAME AT BIRTH (IF DIFFERENT THAN 12C)	
	13. DATE OF BIRTH (MM/DD/CCYY)		14. STATE/COUNTRY OF BIRTH		15. # PREV. MARRIAGES / SRDP	
	16A. LAST MARRIAGE / SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A				16B. DATE ENDED (MM/DD/CCYY)	
	17. ADDRESS			18. CITY		19. STATE / COUNTRY
	20. ZIP CODE					
21A. FULL BIRTH NAME OF FATHER / PARENT				21B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY)		
22A. FULL BIRTH NAME OF MOTHER / PARENT				22B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY)		
AFFIDA VIT	WE, THE UNDERSIGNED DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT WE ARE UNMARRIED AND THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. WE FURTHER DECLARE THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US. WE ACKNOWLEDGE RECEIPT OF THE INFORMATION REQUIRED BY FAMILY CODE SECTION 358 AND HEREBY APPLY FOR A LICENSE AND CERTIFICATE OF MARRIAGE.					
	23. SIGNATURE OF PERSON LISTED IN FIELDS 1A-1D ▶				24. SIGNATURE OF PERSON LISTED IN FIELDS 12A-12D ▶	
	25. ISSUE DATE		26. EXPIRES AFTER (MM/DD/CCYY)		27. MARRIAGE LICENSE NUMBER	
					28. CLERK ISSUING LICENSE	
NEW NAMES IF ANY	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 1A-1D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE					
	29A. FIRST – MUST BE SAME AS 1A			29B. MIDDLE		29C. LAST
	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 12A-12D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE					
	30A. FIRST – MUST BE SAME AS 12A			30B. MIDDLE		30C. LAST

FOR INTERNAL USE ONLY

Party A Phone Number:

Party B Phone Number:

Document Number:

**APPLICATION FOR LICENSE AND CERTIFICATE OF MARRIAGE
PLEASE READ BEFORE COMPLETING APPLICATION**

- When you sign the marriage application form, you are stating under penalty of perjury that the information you have provided is true and correct, that you are currently an unmarried couple, and that there is no legal objection to the marriage.
- The marriage license must be used within the State of California. Check the license to see what the requirements are for witnesses and solemnization.
- Marriage licenses are valid for 90 days from the date of issuance. You must be married on or after the issuance date, and on or before the expiration date of the license. Licenses not used within this timeframe are void.
- The appropriate fee may be paid in cash or by check, payable to the county clerk.
- No refunds are given for marriage licenses purchased in error.
- Please check the type of marriage license you would like to apply for:

- License and Certificate of Marriage (VS 117)** — This is the standard type of marriage license. This type of marriage license requires the signature of at least one witness and one person solemnizing the marriage.
- License and Certificate of Marriage for Denominations Not Having Clergy (VS 115)** — This type of license is used for the recording of marriages for members of religious societies or denominations that do not have clergy for the purpose of solemnizing a marriage.
- License and Certificate of Declaration of Marriage (VS 116)** — This type of license is used for the recording of a marriage that was licensed and occurred over one year ago; however, no official record exists.
- Confidential License and Certificate of Marriage (VS 123)** — Confidential marriage licenses may only be issued to unmarried parties who are at least 18 years old and have been living together as spouses. Since the confidential marriage license requires the signature of a marriage officiant, they are not available to members of religious denominations not having clergy. Certified copies of the marriage license and certificate may only be issued to the couple. Confidential marriage licenses may not be available in all counties. The signatures of the parties in fields 23 and 24 affirm that they meet the requirements to receive a confidential marriage license.

INFORMATION REGARDING THE NAME EQUALITY ACT OF 2007

The Name Equality Act of 2007 (Assembly Bill 102, Chapter 567, Statutes of 2007) allows one or both applicants to a California marriage to elect to change the middle or last names by which each party wishes to be known after they are married by entering the new name in fields 29A thru 30C, as applicable, on the marriage license application. This must be done **at the time the applicants are applying for the marriage license**.

Each party to the marriage may adopt any of the following **last names** (Family Code Section 306.5(b)(2)):

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

Each party to the marriage may adopt any of the following **middle names** (Family Code Section 306.5(b)(3)):

- Current last name of either spouse
- Last name of either spouse given at birth
- A combination of the current middle name and the current last name of the person or spouse
- A combination of the current middle name and the last name given at birth of the person or spouse

NOTE: Parties to the marriage **may not** change their **first name** on the marriage license.

Parties to the marriage are not required to change their name, nor, are they required to have the same name.

If one or both parties do not wish to identify a new name on the marriage license, the fields on the marriage license will be completed using two single dashes. You may not change the information on the marriage license after it has been issued by the County Clerk, unless there is a clerical error.

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

County Clerk staff cannot provide you information on how to complete the marriage license application as it relates to the entry of a new name or retention of your former name on the marriage license application. For your protection, if you have **any** questions regarding whether you should or should not list your new name on the marriage license application, and/or how the Name Equality Act of 2007 may affect you, please consult with a private attorney **prior to applying for your marriage license**.



**SHOULD I CHANGE MY NAME?
FAMILY CODE 306.5**

Changing your name or not changing your name is an important life decision. The choice you make when applying for your Marriage License is **permanent**. After a marriage certificate is registered by the local registrar, the certificate **shall not** be amended to add a new name or change the name adopted.

Your name cannot be easily changed **after** the ceremony unless you petition Superior Court for a change of name. This process can be costly and time consuming. The choice is yours, so make an informed decision!

CONSIDER THE FOLLOWING

- Neither party is required to change his or her name
- Parties to a marriage are not required to have the same name
- Parties to a marriage cannot change their first name
- One party or both parties to a marriage may elect to change the middle or last names
- A certified copy of a marriage certificate containing the new name, or retaining the former name, constitutes proof that the new name or retention of the former name is legal

If you are unsure about your decision, consult with a private attorney **before** applying for your Marriage License. County Clerk staff cannot provide information on how to complete the license as it relates to changing your name or not changing your name. This is a personal choice that requires careful consideration to obtain the outcome you desire.

I acknowledge that I have been informed and understand the information above that was presented and explained to me.

1st Party Signature

Date

2nd Party Signature

Date

OFFICIANT'S CONTACT INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

Sworn Statement

To obtain AUTHORIZED certified copies, the following statement must be completed by the applicant and acknowledged by a Notary Public using the certificate form provided below. Failure to submit a notarized Sworn Statement could result in processing delays.

Applicants requesting only INFORMATIONAL copies do not need to complete the statement. For CONFIDENTIAL MARRIAGE records, the applicant must be a party to the marriage. Informational copies of confidential marriage records cannot be issued.

I, _____, declare under penalty of perjury under the laws of the State of California,
Applicant's Printed Name
that I am an authorized person, as defined in California Health & Safety Code section 103526(c), and am eligible to receive an authorized certified copy of the marriage record of the following individual:

Name of Registrant (marriage party identified on the certificate)	Applicant's Relationship to Registrant (Must be a relationship listed in Part 2 of the Application)
1 st Party	
2 nd Party	

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

Subscribed to this _____ day of _____, _____, at _____.
(Day) (Month) (Year) (City) (State)

(Signature of Applicant)

Note: Certificate of Acknowledgment must be completed by the Notary Public.

Certificate of Acknowledgment

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

State of _____)

County of _____)

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

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

WITNESS my hand and official seal.

(Signature of Notary Public)

[Seal]

Instructions

As part of statewide efforts to prevent identity theft, California law requires this office to issue 2 different types of certified copies: **authorized** and **informational**. Both types are certified copies of the original document on file with our office.

An **authorized certified copy** establishes the identity of the registrant (the party to the marriage identified on the certificate). Only individuals who are authorized by Health and Safety Code section 103526 can obtain an authorized certified copy of a marriage record. (Part 2 of the application identifies the individuals who are authorized to make the request.) Applicants requesting an authorized certified copy must complete the **Sworn Statement**, declaring that they are eligible to receive the authorized certified copy. The Sworn Statement must be notarized if the application is submitted by mail, fax, or online. **Certified copies of confidential marriage records are only available to registrants of the confidential marriage.**

All other individuals are issued an **informational certified copy**, which is marked: "INFORMATIONAL NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." **Informational certified copies cannot be issued for confidential marriage records.**

Part 1 – Applicant Information

Enter your name and address information in the space provided. Please include a daytime telephone number where we can reach you in case we have any questions regarding your order. Your telephone number will not be used for any other purpose. Include a physical shipping address (street address, city, state, and Zip code) if requesting overnight delivery.

Part 2 – Marriage Record Information

Provide all the information you have available to identify the record. If the information provided is incomplete or inaccurate, the record might be impossible to locate. For each record requested, indicate the type (authorized or informational) and number of certified copies desired.

To request a certified copy of a **Public Marriage** record, indicate the type (authorized or informational) and number of copies desired. To receive an **authorized certified copy**, indicate your relationship to the registrant selecting from the list in Part 2 of the application, and complete the Sworn Statement, declaring under penalty of perjury that you are eligible to receive the authorized certified copy. The Sworn Statement must be notarized if the application is submitted by mail, fax, or online.

To request a certified copy of a **Confidential Marriage** record, **you must be a party to the confidential marriage**. Indicate your relationship by selecting from the list in Part 2 of the application, and complete the Sworn Statement, declaring under penalty of perjury that you are eligible to receive the authorized certified copy. The Sworn Statement must be notarized if the application is submitted by mail, fax, or online. Copies of a Confidential Marriage record can also be obtained because of a court order. **Informational certified copies cannot be issued for confidential marriage records.**

Part 3 – Payment Information

PAYMENT BY CHECK / MONEY ORDER

Mail or bring in person, the completed application along with check or money order to our office at the address shown on page 1 of the application. Payments must be made in U.S. dollars in the form of a personal check, cashier's check, certified check, traveler's check, or money order. Make checks payable to: "Stanislaus County Clerk-Recorder." A returned check fee of \$20.00 will be charged on all returned checks.

PAYMENT BY CREDIT CARD

Order online at www.VitalChek.com. VitalChek is a private company that provides a secure Internet site, allowing the public to order vital records 24 hours a day. A processing fee of \$7.00 applies to all credit card transactions. When ordering an **authorized certified copy** online through VitalChek, you must also **mail or fax your notarized Sworn Statement** to our office (address and fax number information shown on page 1 of the application). Authorized certified copies cannot be issued without a notarized Sworn Statement.

- **Delivery Method**
Overnight delivery via UPS Air is available for an additional cost of \$20.00 on orders paid by credit card. Credit card orders are processed within 2 days of receipt. If selecting overnight delivery, be sure to include a physical address (street address, city, state, and Zip code); UPS will not deliver to post office boxes. Orders paid by check or money order are processed within 2 weeks of receipt and shipped via first class postal service.

FEES

The fee is **\$15.00** for **each** certified copy.

For questions about your order or further assistance, please contact our office:

COUNTY CLERK-RECORDER DIVISIONS:
Clerk: PO Box 1670, Modesto, CA 95353
Telephone: 209.525.5260
Facsimile: 209.525-5804
Recorder: PO Box 1008, Modesto, CA 95353
Telephone: 209.525.5270
Facsimile: 209.525-5804