



2. Marriage

This section provides important information about marriage in Pennsylvania.

Who may marry in Pennsylvania?

- Any two consenting parties over the age of eighteen (18) regardless of gender are permitted to marry in Pennsylvania.
- A party's parent or guardian must consent when the party is less than eighteen (18) years of age.
- The Court's consent must be obtained when either applicant is under the age of sixteen (16).

Marriage License and Ceremony

A marriage license is required before you can marry in Pennsylvania. Both parties must apply for a marriage license in person.

You should have the following information with you when applying for a marriage license:

- Your social security number;
- Your mother's maiden name;

- Your parents' current address;
- The state where your parents were born; and
- What your parents do for work (their occupation).

You must bring a copy of your divorce decree if you or the other applicant is divorced. The woman must also bring proof she resumed her maiden name if she resumed her maiden name after the divorce.

If you or the other applicant's previous spouse is deceased then you should also bring the death certificate.

There is a **three-day** waiting period between the application and the issuance of the license.

The license is valid for 60 days from the date of issuance. The license can only be used in Pennsylvania. You may apply for a license in any of PA's counties, and may use it to marry in any county. You are not required to marry in the county where you get the license.

The following people may perform a marriage ceremony:

- Judges;
- Magisterial District Judges;
- Mayors of any municipality or borough; and
- Members of the clergy.

Common Law Marriage

Pennsylvania **stopped** recognizing common law marriage on January 2, 2005.

Pennsylvania **still** recognizes all common law marriages in existence on or before January 1, 2005.

Common law marriage is a marriage without a formal marriage license or ceremony.

The parties **are not** common law husband and wife just because they have lived together for a long time.

For common law marriage to occur, the parties must have no legal barriers to marry one another. An example of a legal barrier would be that one of the parties is already married.

The parties must also be a man and a woman over the age of eighteen (18) years old. The parties must also have stated, in the present tense, their intention to marry one another. A present tense statement would have been, "I marry you today" versus stating intentions to marry in the future.

The Court will look for “clear and convincing evidence” when deciding whether or not a common law marriage exists. The court will consider the following factors:

- Deeds to real estate;
- Marital status on court documents and tax returns; and
- Reputation of marriage, not limited to close friends and family.

The length of the relationship and the views about the couple’s marital status by the community do not constitute marriage unless the other requirements for common law marriage are met.

Once established, the same formalities are required to dissolve a common law marriage as would be required to dissolve a marriage with a license and formalized by a ceremony.

NOTE: This is a complicated area of law. The Court will make its decision on a case-by-case basis. Depending on your county, NPLS may be able to give you general advice. You can call NPLS at 1-877-953-4250 to see what services are available. You will also find helpful information on PALawHELP.org and by contacting your county’s bar association.