

Marriage Equality in New York City: Questions and Answers for Same-Sex Couples and All Those Who Wish to Marry Here

New York's Marriage Equality Act was signed into law by Governor Cuomo on June 24, 2011, allowing same-sex couples to marry legally in New York for the first time.

New York City has always prided itself on its openness and diversity, and we look forward to welcoming all couples who want to get married amid our bright lights and legendary sights, including many landmarks of gay history. Whether you are a native New Yorker or someone who has dreamed of having your wedding in New York City, that opportunity is now yours.

Many same-sex couples have waited years to get married, so there may be a higher demand for Marriage Licenses when the law goes into effect on July 24, 2011. The City is committed to accommodating all eligible couples who would like to marry, whether they are of the same or opposite sex.

The New York City Clerk will begin issuing Marriage Licenses and performing civil marriage ceremonies for same-sex couples starting on Sunday, July 24, 2011. The City Clerk will offer extended hours that Sunday and during the following week to accommodate the increased demand.

It's important to keep in mind that getting married in New York City is a multi-step process. Couples must complete an application and receive a Marriage License at the City Clerk's office before they can legally wed.

Same-sex couples should **NOT** appear at the City Clerk's office before July 24, 2011. Applications for same-sex marriages cannot be processed until then.

For general information about marrying in New York, please see the City Clerk's website [<http://www.cityclerk.nyc.gov/html/marriage/faq.shtml>] and the additional information below.

Very simply, how can we get married in New York City?

Listed below are the general steps and rules of the marriage process:

- You can submit an application for a Marriage License to the City Clerk via [City Clerk Online](#). You will be given a **confirmation number** when you complete the application online. Bring that number with you when you go to the City Clerk's office.
- After submitting your application online, you must appear at the City Clerk's office to complete your application. Same-sex couples should **NOT** appear before

July 24, 2011. Applications for same-sex marriages cannot be processed until then.

- If you do not have access to a computer, you can complete the application when you come to the City Clerk's office. But unlike the online process, you cannot begin to fill out a paper application in advance of your visit to the City Clerk's office. The law requires it to be filled out in person at the City Clerk's office.
- You and your prospective spouse must appear together in person to apply for a Marriage License. Proxy marriage is not permitted in New York, so no other party may apply for you or your prospective spouse.
- Once you arrive at the City Clerk's office you will proceed to the information desk, where someone will guide you toward the next steps. Your Marriage License will be processed while you wait.
- You should carefully read your Marriage License to make sure there are no mistakes.
- You will take the Marriage License with you when you leave the office.
- If you like, the City Clerk's office can also perform a civil marriage ceremony for you.
- The law requires a 24-hour waiting period before your marriage ceremony can be performed, unless you obtain a Judicial Waiver [<http://www.cityclerk.nyc.gov/html/marriage/license.shtml#judicial>].
- If you obtain a Judicial Waiver, then the City Clerk's office can perform a civil marriage ceremony the same day.
- On Sunday, July 24, judges will be available to consider requests for waivers.
- The City Clerk's fee for a Marriage License is \$35. The fee for a marriage ceremony at the City Clerk's office is \$25. Fees are payable with money order or credit card (Visa, MasterCard, Discover, and American Express). Cash and personal checks are not accepted.

Who can get married in New York City, now that the Marriage Equality Act has passed?

The Marriage Equality Act allows eligible same-sex couples to get married in New York just like opposite-sex couples, with the same rights, responsibilities, and benefits under State and City law. For detailed information about age and other eligibility requirements for all couples, please see the City Clerk's website [<http://www.cityclerk.nyc.gov/html/marriage/faq.shtml>].

Can we get married in New York City even if we don't live there?

Yes. Couples who reside in New York or in another state or country are welcome to marry here.

Can my spouse and I get married in New York City if we already were married in another state or country?

Yes. You and your spouse can get married again in New York even if you were previously married in another jurisdiction. (Under existing law, the State of New York

recognizes valid marriages performed elsewhere, including same-sex marriage. If you have questions about whether to get married again in New York, please talk to a lawyer.)

How do we get a Marriage License in New York City?

To get a Marriage License, fill out an application, either online [<https://www.nyc.gov/portal/site/cityclerkformsonline>] or at the City Clerk's office [<http://www.cityclerk.nyc.gov/html/about/office.shtml>]. In either case, you and your prospective spouse must visit the City Clerk's office to complete the application process and receive your Marriage License. State law does not permit "proxy marriage," so both you and your intended spouse **must** appear personally at the City Clerk's office.

If you are a same-sex couple, you may start your online application now, but you should **NOT** appear at the City Clerk's office before July 24, 2011. Applications for same-sex marriages cannot be processed until then. (Also, by law, paper applications for a Marriage License cannot be filled out in advance of your visit to the City Clerk's office.)

Should we go online to begin the application process ahead of time?

Beginning the application process online helps in two ways. First, it will save you time when you appear at the City Clerk's office because you will not have to fill out a paper application—just be sure to bring your confirmation number. Second, it will give the City Clerk an idea of how many couples are applying. **Beginning the application process online does not, in any way, guarantee you a space in line or preferential treatment once you appear at the City Clerk's office.**

What should we bring when we visit the City Clerk's office to get our Marriage License?

You must bring valid, government-issued identification and the necessary fees. It is also a good idea to bring proof of any previously terminated marriage(s). The following types of identification are acceptable:

- Driver's license, non-driver identification card, or learner's permit, with photograph, from any state or United States territory;
- Active United States Military Identification Card;
- Valid passport;
- United States Certificate of Naturalization (less than ten years old);
- United States Alien Registration Card; or
- United States Employment Authorization Card.

The City Clerk's fee for a Marriage License is \$35, with an additional fee of \$25 for your civil marriage ceremony (see more below). Fees are payable with money order or credit card (Visa, MasterCard, Discover, and American Express). Cash and personal checks are not accepted.

If I am from outside New York, do I need a Letter or Certificate of Non-Impediment or proof of eligibility from my home town or home country to get married in New York?

No. New York law does not require anyone from outside the State of New York to bring a Letter or Certificate of Non-Impediment or proof of eligibility in order to obtain a Marriage License here.

Once we have a license, when can our marriage ceremony be performed?

To be legally married, you must have a civil or religious marriage ceremony performed after obtaining a Marriage License. State law generally requires you to wait 24 hours after receiving your license before holding your marriage ceremony.

You can hold your marriage ceremony immediately—skipping the 24-hour waiting period—by asking a New York State judge to grant a waiver [<http://www.cityclerk.nyc.gov/html/marriage/license.shtml#judicial>] of the 24-hour requirement. On Sunday, July 24, judges will be available to consider requests for waivers.

Your Marriage License is valid for 60 days (or 180 days for active military personnel only) from the time you receive it. Your marriage ceremony must be performed within that timeframe, or else you will need to obtain a new license.

Where can our marriage ceremony be held, and who can perform it?

With a Marriage License from the New York City Clerk, a civil or religious marriage ceremony can be held anywhere in the State of New York.

If you choose, the City Clerk's Office will perform a civil marriage ceremony at one of its five locations [<http://www.cityclerk.nyc.gov/html/about/office.shtml>]. The City Clerk is offering extended hours on Sunday, July 24, and during the following week to accommodate the increased demand. The City Clerk performs civil marriage ceremonies on a first-come, first-served basis. You must bring your Marriage License, the same identification used to obtain the license, as well as one witness at least 18 years old who also has proper identification. The fee for a marriage ceremony is \$25. Fees are payable with money order or credit card (Visa, MasterCard, Discover, and American Express). Cash and personal checks are not accepted.

Alternatively, you may have your marriage ceremony performed outside the City Clerk's Office by an eligible person of your choice [http://www.cityclerk.nyc.gov/html/marriage/ceremony.shtml#ceremony_out], such as a clergy member or a judge. If your marriage ceremony is performed within New York City, the person who performs it must first register with the City Clerk. Go to the City Clerk's website [http://www.cityclerk.nyc.gov/html/marriage/officiant_reg.shtml] to learn more about who can perform marriages and how they can register.

Do we need a witness for our ceremony?

Yes, you need at least one witness 18 years of age or older. After your marriage ceremony, the couple, the person who performs the ceremony, and the witness(es) must all sign the Marriage License.

Can I change my surname (last name) when I get married?

Yes. The application for a Marriage License offers various options for keeping or changing your surname. If you choose to change your surname, the change takes effect legally once your marriage ceremony is held. You cannot change your first or middle name through marriage.

Where do we go to obtain a Marriage License and, if we choose, have the City Clerk's office perform our marriage ceremony?

The City Clerk has office locations in each of the five boroughs: Manhattan, Queens, the Bronx, Brooklyn, and Staten Island. To accommodate increased demand after the Marriage Equality Act takes effect, the City Clerk is offering extended hours the week of July 24.

Manhattan Office

141 Worth Street

New York, NY 10013

Regular Hours: 8:30 am to 3:45 pm, Monday through Friday

Special Hours:

Sunday, July 24, 2011: 8:30am-4:30pm

Monday, July 25 through Friday, July 29: 8:30am-6:30pm

(Please note you must be in the Office's doors by 3:45pm on July 24 and 5:45pm on July 25 through July 29 to be guaranteed service)

Bronx Office

Supreme Court Building

851 Grand Concourse, Room B131

Bronx, NY 10451

Regular Hours: 8:30 am to 4:00 pm, Monday through Friday

Special Hours:

Sunday, July 24, 2011: 8:30am-4:30pm

Monday, July 25 through Friday, July 29: 8:30am-6:30pm

(Please note you must be in the Office's doors by 3:45pm on July 24 and 5:45pm on July 25 through July 29 to be guaranteed service)

Brooklyn Office

Brooklyn Municipal Building

210 Joralemon Street, Room 205

Brooklyn, NY 11201

Regular Hours: 8:30 am to 4:00 pm, Monday through Friday

Special Hours:

Sunday, July 24, 2011: 8:30am-4:30pm

Monday, July 25 through Friday, July 29: 8:30am-6:30pm

(Please note you must be in the Office's doors by 3:45pm on July 24 and 5:45pm on July 25 through July 29 to be guaranteed service)

Queens Office

Borough Hall Building

120-55 Queens Boulevard, Ground Floor, Room X001

Kew Gardens, NY 11424

Regular Hours: 8:30 am to 4:00 pm, Monday through Friday

Special Hours:

Sunday, July 24, 2011: 8:30am-4:30pm

Monday, July 25 through Friday, July 29: 8:30am-6:30pm

(Please note you must be in the Office's doors by 3:45pm on July 24 and 5:45pm on July 25 through July 29 to be guaranteed service)

Staten Island Office

Borough Hall Building

10 Richmond Terrace, Room 311

Staten Island, NY 10301

Regular Hours: 8:30 am to 4:00 pm, Monday through Friday

Special Hours:

Sunday, July 24, 2011: 8:30am-4:30pm

Monday, July 25 through Friday, July 29: 8:30am-6:30pm

(Please note you must be in the Office's doors by 3:45pm on July 24 and 5:45pm on July 25 through July 29 to be guaranteed service)

What are the differences between a same-sex marriage and an opposite-sex marriage in New York?

The Marriage Equality Act gives married same-sex couples the same rights, responsibilities, and benefits that married opposite-sex couples have under State and City law. There are significant differences in the rights and benefits afforded under federal law and the laws of most other jurisdictions. Those differences may extend to federally funded programs administered by New York State and New York City. For more specific guidance, please consult a legal professional.

Will our New York marriage be recognized outside of New York?

Some states recognize same-sex marriages performed in New York, but the federal government and many other states do not. Connecticut, Iowa, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, and Washington, D.C. all recognize same-sex marriages performed in other states. Illinois, New Jersey, and

Hawaii (as of January 1, 2012) recognize same-sex marriages as civil unions, and the State of Washington recognizes same-sex marriages as domestic partnerships. A civil union or a domestic partnership may carry different status in those places.

Are there any differences in the process for same-sex marriage and opposite-sex marriage in New York City?

No. Under the Marriage Equality Act, New York City will offer same-sex marriages and opposite-sex marriages following the same process.

Can we choose to be domestic partners instead of getting married?

Yes, as before the Marriage Equality Act, eligible same-sex and opposite-sex couples can still choose to form domestic partnerships. Domestic partners are entitled to a smaller subset of rights and privileges than those granted to married couples. See the New York City Clerk's website for information about domestic partnership registration [http://www.cityclerk.nyc.gov/html/marriage/domestic_partnership_reg.shtml].

If we are currently domestic partners and now want to get married, do we first need to terminate our domestic partnership?

No. Getting married automatically terminates a domestic partnership, so no additional act other than the marriage is required

[http://www.cityclerk.nyc.gov/html/marriage/domestic_partnership_reg.shtml#termination].