

TAMMY BROWN, JUDGE OF PROBATE

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This information is provided for persons interested in obtaining a marriage license in Cullman County.

Under Alabama law, marriage licenses issuance is purely ministerial and probate judges have no discretion when carrying out this duty. Accordingly, it is the policy of the Judge of Probate of Cullman County to issue marriage licenses in strict compliance with and as legally required under Alabama law. The information contained herein is purely informational and should not be considered reflective of any personal opinions or beliefs of the Judge of Probate, Cullman County, or any persons under their employment.

Frequently Asked Questions Regarding Marriage License

Q: What is the legal age to marry in Alabama?

A: Persons 18 years and older can marry in Alabama. Under Alabama Code § 30-1-4, persons under the age of 16 years are incapable of contracting for marriage. Under Alabama Code §30-1-5, persons who are at least 16 years of age but under 18 years of age, who have not had a former spouse, require the consent of the parents or guardians of the minor to the marriage, to be given personally.

Q: Is photographic identification required to receive a marriage license?

A: Not necessarily. Opinion Number 2004-176 of the Office of the Attorney General states that Alabama law does not require marriage license applicants to produce photographic identification to prove their identity. In the event that photographic identification is unavailable, the Opinion advises probate judges to obtain an affidavit from the applicant or some other credible person that the applicant is who he or she claims to be and meets the age requirements under Alabama law. The Opinion further states that a “probate judge must accept the marriage license applicants’ representations as to age and identity unless a question arises as to the validity of those representatives.”

Q: Is a social security number required to receive a marriage license?

A: No. Opinion Number 2008-100 of the Office of the Attorney General states that a social security number is not required. The Opinion states that in instances where an applicant does not have a social security number, the applicant can instead submit an affidavit attesting to the fact that he or she was never issued a social security number. Alternatively, an applicant could also submit a current letter from the Social Security Administration documenting that he or she was never issued a social security number.

Q: Can a marriage license be issued to an applicant who is not a United States citizen?

A: Yes. Opinion Number 2004-176 of the Office of the Attorney General states that citizenship is not a requirement under Alabama law. The Opinion of the Attorney General further concluded that a lack of legal status is not a bar to issuance of a marriage license.

Q: Can a marriage license be issued to applicants of the same sex?

A: Yes

Q: Where can I find the State of Alabama's law on marriage and the issuance of marriage license?

A: The law can be reviewed in Article I, § 36.03 of the Alabama Constitution and Alabama Code §§ 30-1-1 through 30-1-19 and 22-9A-17.

The Cullman County Probate Office does not perform marriage ceremonies

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