Introduction

A new State of Alabama marriage law took effect on August 29, 2019. The new state law neither requires a marriage ceremony nor prohibits it. What is only important for the State is the filing of the correct paperwork. Through this new process, the parties must meet the state’s requirements—namely, that applicants must be of legal age, are not already married, are not related, and are competent to enter into marriage. Once the couple has submitted the completed and notarized forms to the probate judges office and paid the associated fees, the State accepts that they are married – even if there was no formal ceremony, whether secular or religious.

It is important that Catholics understand that the Church recognizes that it is the Sacrament of Matrimony that actually brings about their marriage before God, therefore they are still bound by the canonical form for marriage.

When a Catholic wishes to marry another Catholic, a baptized Christian, or a non-baptized person and have that union be recognized as valid before God and in the Church, he or she must follow the Church’s own marriage laws, in addition to the civil marriage laws where he or she resides. A Catholic should continue to follow the procedures of the Church by meeting with a priest at least six months prior to the wedding and attend an approved wedding preparation program.

To clarify the requirements of both the State and the Church, please note the following procedures:

New State Procedures

1. Obtain a Marriage Certificate Form from the state or county probate judge’s office. This form is also available on the web site of the Alabama Department of Public Health: https://dph1.adph.state.al.us/marriage/.
2. Complete the form according to its instructions and have the form witnessed by a Notary Public. The parties can sign the document separately and/or at different times, but both signatures must be notarized. Prince of Peace Parish have staff available in the church office who is an authorized Notary Public and can perform this service for free.
3. The notarized form must be submitted within 30 days of the latter of the two spouses’ signatures to the county probate judge’s office for recording, along with the filing fee from that county.
4. The effective date of the marriage will be recorded by the State as the latter of the dates of the signatures of the spouses. In other words, if the spouses do not sign it together in front of the notary but have their signatures notarized separately, the date for the one who signed it last will determine the date of the marriage in the state records.
New Church Procedures

From the foregoing procedures, it is evident that, since the State does not require a ceremony, it also has no preference about the order that things are done for those couples who choose to have a church wedding ceremony. A couple, having followed the requirements of the state law, is acknowledged by the state to be civilly married. This can occur days, weeks, or even months before or after any religious ceremony.

However, from the perspective of the Diocese of Birmingham in Alabama, we believe that it is important that there be both a civilly recognized marriage, as well as a valid marriage in the Church. And from a practical perspective, the requirements for the civil marriage should be completed or in process before the canonical marriage is celebrated.

Therefore, beginning August 29, 2019, our new internal (Church/diocesan) procedure for implementing this law will be as follows:

1. A couple must follow the State marriage process before having their Church wedding.
2. They must bring a copy of their signed and notarized State Marriage Certificate Form to the church before their Church ceremony may take place. This form should have been signed by both parties, notarized, and submitted to the probate court within 30 days before their Church wedding.

A major consequence of this new law is that the date that the State considers the couple married will be different than the date of their Church wedding. The Church recognizes that it is the Sacrament of Matrimony that actually brings about their marriage before God, so the date of the wedding ceremony will be the date listed in the Book of Sacramental Records and the couple should observe the ceremony date as their anniversary.

If couples have any questions concerning the requirements or if they plan to have a church ceremony in another state, please contact the church office for further information.