

SUPERIOR COURT OF CALIFORNIA
County of Marin



JUDICIAL CONSENT TO MARRY (underage marriage)
INSTRUCTIONS TO COUPLE

When a couple wishes to marry, and at least one party is under 18 years of age, California State Law (Family Code § 302) requires a court order granting permission to the underage person(s) to marry. The couple must show a certified copy of the court order granting permission to marry to the County Clerk's Office in order to obtain a marriage license. The request for a minor marriage must be filed in Superior Court (Family Code §§ 302 and 303).

Following are steps to take to obtain the court order granting permission to marry:

1. Each applicant must complete an **Application for Permission for Minor(s) to Marry**.
2. California State Law (Family Code § 302) requires a written consent of the parents/legal guardian of each underage person. The **Consent of Parent or Guardian to Issuance of Marriage License** form giving such consent must be signed by the parent/legal guardian. This consent must be signed **in front** of the clerk processing your paperwork.
 - a) If parent lives out of state or country, the minor may bring a **notarized** permission from the parent/legal guardian.
 - b) This statement should contain wording to the effect: "I, the mother/father/legal guardian, (name), residing at _____, grant permission for my daughter/son (name) to marry groom/bride (name). My daughter's/son's birth date is _____."
 - c) This permission must be signed, dated and notarized by a certified notary public.
3. A **certified** copy of the minor's birth certificate and/or guardianship papers must be presented to the clerk at the time the **Consent of Parent or Guardian to Issuance of Marriage License** form is completed.
4. The parent/legal guardian **must** show legal picture identification.
5. California State Law (Family Code § 304) requires premarital counseling of such couple. The **Declaration of Premarital Counseling** form will need to be completed by the counselor.
 - a) Call to make the appointment for counseling through Health & Human Services: (415) 499-7175 or (415) 507-2874 for Spanish speaking clients.
 - b) The completed declaration **must** be brought back to the Clerk's office in a sealed envelope.
6. After the **Declaration of Premarital Counseling** is returned to the Clerk's office, the file is routed to the Judge for review.
7. An Ex Parte hearing will be scheduled for the next available court day for the couple to return for an interview with a Family Law Judge. The order will be granted or denied.
8. If the **Permission to Marry** is granted, the couple returns to the Civil Division in Room 113 to obtain a **certified** copy of the order.
9. Take certified copy of order to County Clerk's Office in Room 247 for a marriage license.

Preparing documents for filing:

- All papers must be typed or legibly handwritten in blue or black ink.
- Personnel in the Clerk's Office have been instructed not to file any papers which are not properly completed.

Do I make copies?

- Yes, make at least one copy of each completed form for each applicant's records.

What happens after we submit our forms to the court?

- After completing your forms your case will be opened. The Court will retain all original forms for the file.
- Any copies submitted to the Court upon filing will be stamped with a case number, conformed and returned to you.
- You will be instructed to contact Health & Human Services to arrange for pre-marital counseling.
- After the counseling session, bring the **Declaration of Premarital Counseling** back to the Civil Division in Room 113 in a **sealed** envelope.
- An Ex Parte hearing will be scheduled for the next available court day before the Family Law Judge.
- If the **Permission to Marry** is granted, return to the Civil Division in Room 113 to obtain a certified copy of the order.
- Take certified copy of **Permission to Marry** to the County Clerk's Office in Room 247 to obtain your marriage license.