



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Registry of Vital Records and Statistics
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October 21, 2022

TO: Massachusetts City and Town Clerks
Boston Registrar

FROM: Karin Barrett
Registrar of Vital Records and Statistics

SUBJECT: Updates to the Marriage Certificate process

Colleagues,

As we communicated to you last month, legislation has been enacted that will become effective October 26, 2022, prohibiting marriages to individuals under the age of 18.

The full text of the legislation is attached to this memo, but in summary the key changes are:

- Clerks shall not accept Notices of Intention to Marry if either Party is under the age of 18.
- Officiants shall not solemnize marriages if either Party is under the age of 18.
- All language relating to permission by parents and court-ordered age waivers are removed.
- Clerks are mandated to receive proof of age prior to issuance of a license to marry.

The Registry of Vital Records and Statistics (RVRS) is in the process of revising and printing both the Notice of Intention to Marry and the Certificate of Marriage, as well as the Fact Book for Notice of Intention to Marry. In the interim, please continue to use the existing forms and be prepared to show applicants this memo, the new legislation, and updated Impediments to Marriage (attached). Please use the proof of age checklist for all applicants, not just for those under the age of 18. If, after October 26th, you receive a court order authorizing a marriage to a party under the age of 18, please contact RVRS for more information.

In addition to new age requirements, RVRS will also be making a minor change to the Sex fields on the Intention and Certificate of Marriage. Further instructions will be forthcoming, but in the interim, and on the current form, please be advised that parties to a marriage may indicate a choice other than "M" or "F." There is sufficient space to type in "X" for parties that request that designation. If a party requests an option other than "M," "F," or "X" please call RVRS for further instructions. A party may also refuse to provide the information for this field. If refused, enter dashes in the space next to the checkbox responses.

Thank you for your continued collaboration with RVRS in promoting excellence in the Commonwealth's vital records and statistics system. Please contact Adahma.N.Lucas-Conley@mass.gov with any questions about these upcoming changes.

Chapter 126 of the Acts of 2022 (Sections 81-88) <https://malegislature.gov/budget>

This Act is effective October 26th, 2022 and amends sections of [Chapter 207, M.G.L.](#) “Marriage.”

- SECTION 81. Chapter 207 of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-
 - Section 7. A magistrate or minister shall not solemnize a marriage if a party to the intended marriage is under the age of 18.
- SECTION 82. Said chapter 207 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-
 - Section 24. The clerk or registrar shall not receive a notice of the intention of marriage of a person under the age of 18.
- SECTION 83. Said chapter 207 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section:-
 - Section 25. Notwithstanding sections 7, 24 and 33A or any other general or special law to the contrary, any minor who is married may avail themselves of all legal remedies and relief that would otherwise be available if they were not a minor, in order to initiate proceedings for divorce under chapter 208, annulment under chapter 207 and protective orders under chapters 209A and 258E.
- SECTION 84. Section 27 of said chapter 207, as so appearing, is hereby amended by striking out the second and third sentences.
- SECTION 85. Said chapter 207 is hereby further amended by striking out section 33A, as so appearing, and inserting in place thereof the following section:-
 - Section 33A. The clerk or registrar shall not issue a certificate under section 28 before receiving proof of age of the parties and verifying that both parties are not less than 18 years of age. Such proof shall be contained in any of the following documents, graded and taking precedence in the following order: (i) an original or certified copy of a record of birth; (ii) an original or certified copy of a baptismal record; (iii) a passport; (iv) a life insurance policy; (v) an employment certificate; (vi) a school record; (vii) an immigration record; (viii) a naturalization record; or (ix) a court record. The clerk or registrar shall not accept documentary evidence of a lower grade unless the clerk or registrar is satisfied that evidence of a higher grade is not readily procurable.
- SECTION 86. Section 34 of said chapter 207 is hereby repealed.
- SECTION 87. Section 51 of said chapter 207, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “section seven, twenty-six or thirty-four” and inserting in place thereof the following words:- section 7 or 26.
- SECTION 88. Section 53 of said chapter 207, as so appearing, is hereby amended by striking out, in line 2, the words “section thirty-three” and inserting in place thereof the following words:- sections 24 and 33A.

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When filing a Notice of Intention of Marriage, both parties to the intended marriage are required to sign the Intention under oath. (See G.L. c. 207 §19 and 20)

Whoever violates any provision of G.L. c. 207 §20, and whoever falsely swears or affirms in making any statement required under G.L. c. 207 §20, shall be punished by a fine of not more than \$100. (G.L. c. 207 §52)

LEGAL IMPEDIMENTS TO MARRIAGE

(Prepared under G.L. c. 207 §37)

No party shall marry their mother, grandmother, daughter, granddaughter, sister, stepmother, grandfather's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister. (G.L. c. 207 §1)

No party shall marry their father, grandfather, son, grandson, brother, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother. (G.L. c. 207 §2)

A marriage contracted while either party thereto has a wife or husband living shall be void, except as provided in Section 6 of Chapter 207 for removing the impediment by divorce or by death of the former spouse. (G.L. c. 207 §6)

The marriage of a person under the age of 18 is prohibited. (G.L. c.207 §§7, 24)