

Are common law marriages accepted in the state? Since 1923, common law marriages cannot be entered into in Nebraska. Ropken v. Ropken, 169 Neb. 352, 99 N.W.2d 480. Because the state accepts marriages that are validly entered into elsewhere, a common law marriage of another state would be accepted here. However, residents of Nebraska cannot temporarily enter a common law marriage state to achieve that status. Binder v. Binder, 158 Neb. 444, 63 N.W.2d 784.

*Happy!
Marriage*

Can a customer get an official copy of a marriage license from the county clerk's office? Since 1987, county clerks have submitted marriage records to the state, currently to Vital Records at the State Office Building. State records retention guidelines provide that records of marriages entered into between 1909 and 1986 may be disposed of at the discretion of the county clerk, and there is no statutory requirement that records after 1987 be maintained in any fashion in the county. If the clerk chooses to retain these records, a \$9 fee for certified copies of marriage records on file in their office may be charged. However, official state-certified copies of marriage licenses may only be obtained from the Vital Records. The fee for such copies is \$16. Copies of marriage licenses issued prior to 1908 may be obtained from the Nebraska State Historical Society.

Are prenuptial agreements allowed in Nebraska? Prenuptial or premarital agreements are provided for in §42-1001 et seq. and may be used by the parties to set out property rights, spousal support, life insurance and other matters prior to marriage. In general, an agreement must be in writing, must be signed voluntarily by both parties, and must make fair and reasonable disclosure of obligations. The agreement becomes effective upon marriage.



Marriage License Questions & Answers



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Applications

Are rubella tests for female applicants still required? No. LB 1073, effective April 14, 1998, outright repealed the rubella test, among other things. Although a prohibition on marriage of persons afflicted with venereal disease remains in statute, no provisions are made for testing or enforcement.

What information is needed and must social security numbers be included on the application? Yes. Effective September 13, 1997, the social security numbers of both the bride and groom are required on the license, but is not public record. This requirement was enacted pursuant to federal law and is intended to aid child support enforcement efforts. **Both Groom/Party A & Bride/Party B will need to know fathers' full names, mothers' full maiden names, and both parents' place of birth, (city & state). Each Party shall present satisfactory documentary proof (such as a government issued photo I.D.) and shall swear or affirm to the application given (1) Full name of each applicant and residence; and (2) the place, date and year of birth of each.**

How much is the license? The fee is \$25.

How long is the license valid prior to the ceremony? The license is valid for one year. You can apply up to a year prior to the ceremony and if the ceremony does not take place within the year, the license is void and you would have to reapply.

Is there a waiting period between the time of applying for the license and the ceremony? No. The old 2 day waiting period was repealed in 1988.

Should a license be issued if the parties are renewing their vows? Should a Nebraska license be issued if they were married in another country? No new license is necessary and none should be issued if a couple is renewing their vows. The renewal is ceremonial in nature only and has no legal effect on the existing marriage of the parties. Similarly, no new license should be issued if the parties were married in another state or country.

How soon can parties remarry after a divorce? In Nebraska, for purposes of remarriage, other than remarriage of the parties, a decree dissolving marriage becomes final and operative **six months** after the decree was rendered or upon the death of one of the parties, whichever comes first.

What is the minimum age for marriage in Nebraska? In order to marry in Nebraska, both parties must be a minimum age of seventeen and minors (under age 19) must have NOTARIZED parental consent to marry. (Parental Consent Forms are available at our office.)

How closely related may the parties be? Marriages are void when the parties are related to each other as parent and child, grandparent and grandchild, brother or sister, half-brother or half-sister, whole first cousins, uncle and niece, or aunt and nephew.

Ceremony

Can minors be witnesses? State marriage license statutes require that at least two witnesses, in addition to the minister or magistrate, be present at the ceremony. While these statutes do not specify a minimum age for witnesses, the age of majority for

other legal purposes is 19. However, the ages of the witnesses is not specifically included as a statutory reason for a marriage to be void.

Must the minister be a resident of or certified in Nebraska? No. Nebraska certification or residence is not needed as long as the minister is authorized to perform marriage ceremonies by the denomination to which he or she belongs. "Every judge, retired judge, or clerk magistrate, and every preacher of the gospel authorized by the usages of the church to which he or she belongs to solemnize marriages, may perform the marriage ceremony in this state." If the marriage is consummated with belief of the parties that they have been joined in marriage, the validity of the marriage is not affected by any want of jurisdiction or authority of a supposed minister. However, if any person undertakes to join others in marriage, knowing that he or she is not authorized to do so or knowing of a legal impediment to the marriage, he or she shall be guilty of a Class I misdemeanor.

What elements are required in the marriage ceremony? No particular form of ceremony is required, although each party must solemnly declare in the presence of the officiant and witnesses that they take each other.

Are same-sex marriages allowed? YES. Ruling from the Supreme Court of the United States on June 26, 2015.