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Marriage Procedure in New Mexico

Q. What is the age requirement when obtaining a marriage license?

A. The applicants must be 18 years of age to obtain a marriage license without parental consent. If applicants are 16 or 17 years of age, parental consent is required. If applicants are under the age of 16, a court order is required. Please contact an attorney for additional details.

Q. What is the cost to obtain a marriage license?

A. The cost to obtain a marriage license is \$25.00 (cash or check), and must be paid at the time of application.

Q. What identification documents are required to obtain a marriage license?

A. Identification such as: a valid driver's license, Military I.D., state issued or certified birth certificate, or Valid Passport, which includes a photo and date of birth.

Q. How long is my marriage license valid?

A. There is no expiration date on a marriage license. However, if the license is misplaced or destroyed, a \$5.00 replacement fee will be charged.

Q. What is the age requirement for witnesses?

A. Although New Mexico's marriage laws do not require witnesses to marriages to be 18, it is probably a good idea. Witnesses do not have to be US citizens, just anyone competent to observe the ceremony and sign the marriage license. If it is important to the couple, more than two witnesses can sign the license in the white spaces around where the "official" witnesses sign.

Q. Who is allowed to perform a marriage ceremony in New Mexico?

A. A Justice of the Peace (normally a Magistrate Judge), a Municipal Judge, or Probate Judge may perform a ceremony. Also, a District Judge, upon request. Any person credentialed by a religious society can perform a marriage in the State of New Mexico. (NMSA 40-1-2)

Q. Are proxy marriages allowed in New Mexico?

A. Proxy marriages are allowed in New Mexico (i.e. one party is overseas or in prison). However, a Judge may decline to perform a proxy marriage if they feel uncomfortable with the concept. Remember, Proxy is not allowed during the application of the Marriage License, both parties must be present.

Q. Does the County Clerk's Office provide send marriage information to the local newspaper?

A. No. It is up to the couple and/or family to announce the engagement and/or marriage in the local newspaper.

Q. If we get married abroad (outside the United States), is the marriage valid?

A. In general, marriages which are performed and valid abroad are also legally valid in the United States. Inquiries regarding the validity of a marriage abroad should be directed to the attorney general of the state in the United States where the parties to the marriage live. The New Mexico State Attorney General's Office is

located at 408 Galisteo Street, Villagra Building, Santa Fe, New Mexico 87501. For more information, please call (505) 827-6000.

Q. Do I need to bring the certificate back to the County Clerk's Office after the ceremony?

A. Yes. It is important that you bring your license back to us for recording. Your marriage license is NOT complete until we finalize it here at the County Clerk's Office. After which, we will mail it back or hand it back to you if you have brought it in person.

Q. Do both bride and groom need to hand deliver the marriage certificate for filing in the County Clerk's Office?

A. No. The bride or groom, a member of the wedding party, or whoever performed the ceremony, can hand deliver the certificate and witness forms to the County Clerk's Office. After which, we will mail it back or hand it back to you if you have brought it in person.

Q. Can we file the marriage certificate at any County Clerk's Office?

A. No. The marriage certificate will need to be recorded in the County where the license was issued, not necessarily the County where you were married.

Q. What is the procedure for getting a copy of my marriage certificate?

A. Requesting a copy of a marriage certificate may be done in person or by mail. The year of marriage, and the names of the bride and groom are necessary for finding the certificate. Please call our office at (505) 662-8010 for more information. If requesting by mail, please submit the info mentioned above, along with the address to mail the copies. A check for such copies should be payable to "Los Alamos County Clerk".

Q. What is the fee for a certified copy of a marriage certificate?

A. The fee is \$2.50 for each certified copy of the marriage certificate. Regular copies may be purchased for \$1.00 per copy.

Q. How do I change my last name?

A. After the ceremony is performed and the certificate is recorded, a certified copy of the marriage certificate will be issued. This certified copy can be taken to any State Motor Vehicle Department, where a new I.D. or Drivers License may be obtained under the new last name. A certified copy may also be presented to the Social Security Office, and any other place or agency where this information will need to be updated.

Q. Are common-law marriages recognized in New Mexico?

A. No. The State of New Mexico does not recognize common-law marriages.

Q. What do I do if I married a US Citizen and want to apply for permanent resident?

A. You will need to go to the local US Citizenship & Immigration Services (USCIS) Office and ask for the "marriage packet". The nearest USCIS Field Office is in Albuquerque, and located at 1720 Randolph Road, Southeast, Albuquerque, NM 87106. In order to visit this office or to speak with an Immigration Information Officer, you must have an appointment scheduled by USCIS, or you must schedule an INFOPASS appointment, on the USCIS website.

Q. Where do I file for divorce or get a copy of my divorced decree?

A. The County Clerk's Office does not file divorce records. These records are filed in District Court and Los Alamos County is part of the First Judicial District. The First Judicial District Court Administration Office is located in the Santa Fe Judicial Complex located at 100 Catron, Santa Fe, New Mexico, 87505. For more information, please call (505) 827-1256.