



DECLARATION OF MARRIAGE INFORMATION

Declarations of marriages are not processed after 4:30 p.m. Both parties must be present with a photo ID and be at least 18 years of age. The application process is the same as a marriage license.

You must prepare your own "Declaration of Marriage" that complies with 40-1-323 MCA. It may be handwritten or typed. Your Declaration must be one sided on 8 ½ x 11 or 8 ½ x 14 paper size and must include the following information for **both parties**.

- Full name
- Current age
- Current address/residence of the parties
- Father's first, middle and last name as well as city and state of residence
- Mother's first, middle and last name as well as city and state of residence
- Date you are declaring your marriage
- A statement that both parties are legally competent to enter into the marriage contract
- Signature lines for the parties and two witnesses (do not sign until instructed to by the Clerk)

The Declaration must be subscribed by the parties and attested to by at least two witnesses and formally acknowledged before the Clerk of District Court of the County in which the Declaration will be filed. You may use the following example of the Clerk's formal acknowledgment and other space for the Clerk to file/record the Declaration.

Subscribed and sworn to before me this ___ day of _____, 20__

Clerk of District Court, Beaverhead County

By: _____

or

Filed/recorded this ___ day of _____, 20__

Clerk of District Court, Beaverhead County

By: _____

Cost: \$53, cash, money order, cashier's check only

Certified copy: \$7, cash, money order, cashier's check only



AN ACT REVISING THE PERSONS WHO MAY PREPARE A DECLARATION OF MARRIAGE; REQUIRING THE OFFICE OF VITAL RECORDS TO DEVELOP A STANDARD DECLARATION OF MARRIAGE FORM; REQUIRING THE CLERKS OF DISTRICT COURT TO MAKE THE STANDARD DECLARATION OF MARRIAGE FORM AVAILABLE TO THE PUBLIC; AND AMENDING SECTION 40-1-312, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-1-312, MCA, is amended to read:

"40-1-312. Persons who may ~~draft~~ prepare declaration of marriage. ~~It is unlawful for any person other than the parties to the written declaration to draw any~~ (1) Except as provided in subsection (2), a declaration of marriage must be prepared by:

(a) a party to the marriage; or

(b) ~~unless the person~~ a person who is licensed to practice law in the state of Montana.

(2) (a) The office of vital records of the department of public health and human services shall develop a standard declaration of marriage form. The form must conform with the requirements of 40-1-311 and must be notarized.

(b) The department shall provide the standard form to the clerks of district courts.

(c) Each clerk of district court shall make the standard form available for use by members of the public."

- END -

I hereby certify that the within bill,
SB 0255, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 255

INTRODUCED BY E. MCCLAFFERTY, S. MALEK, S. WEBBER

AN ACT REVISING THE PERSONS WHO MAY PREPARE A DECLARATION OF MARRIAGE; REQUIRING THE OFFICE OF VITAL RECORDS TO DEVELOP A STANDARD DECLARATION OF MARRIAGE FORM; REQUIRING THE CLERKS OF DISTRICT COURT TO MAKE THE STANDARD DECLARATION OF MARRIAGE FORM AVAILABLE TO THE PUBLIC; AND AMENDING SECTION 40-1-312, MCA.

DECLARATION OF MARRIAGE

Spouse 1:

(First Middle Last Name)

Age: _____

Residence:

(City and State)

Father's Name:

(First Middle Last Name)

Residence:

(City and State)

Mother's Full Maiden Name:

(First Middle Last Name)

Residence:

(City and State)

Spouse 2:

(First Middle Last Name)

Age: _____

Residence:

(City and State)

Father's Name:

(First Middle Last Name)

Residence:

(City and State)

Mother's Full Maiden Name:

(First Middle Last Name)

Residence:

(City and State)

_____ and _____ are legally
(Spouse 1: Full Name) (Spouse 2: Full Name)

competent to enter into this marriage contract. _____ and _____
(Spouse 1: First Name) (Spouse 2: First Name)

are declaring their marriage to each other on _____.
(Date Declared Married: Month, Day, Year)

Spouse 1 Signature

Spouse 2 Signature

Witness Signature

Witness Signature

Subscribed and Sworn to before me this _____ day of _____, 20____.
_____, Clerk

By: _____
Deputy

Filed this _____ day of _____, 20____.
_____, Clerk

By: _____
Deputy