

POLICIES OF THE REGISTER OF WILLS & CLERK OF ORPHANS' COURT

To promote uniformity of practice, continuity and predictability for the public at large and as part of an ongoing commitment to open government and to support the public in its contact with Philadelphia County, the Register of Wills/Clerk of the Orphans' Court of Philadelphia County has adopted the following policies of the Registers of Wills and Clerk of the Orphans' Court Association of Pennsylvania regarding marriage license applications: (Effective: January 1, 2005)

(1) Officiants of Marriage in the Commonwealth of Pennsylvania

If you choose to be married by someone other than as prescribed in 23 PA CSA §1503, Persons qualified to solemnize marriages, (see detail below) the burden of proof regarding legality (or lack thereof) is on the individuals involved should future issues arise that require determination of the marriage's validity. We do not get involved in determining what is or is not a church and/or congregation.

(2) Identification of Marriage License Applicants

It is the policy of the Registers of Wills and Clerks of the Orphans' Court Association of Pennsylvania to require photo identification from all applicants for marriage licenses. If photo ID is unavailable or impractical, another form of ID may be requested at the discretion of the Clerk of the Orphans' Court.

The purpose of this policy is to provide satisfactory proof of identification of the individual applicants. It is not intended to limit the name variant used in any application

If you require further clarification regarding these policies, please contact an attorney.

23 Pa C.S.A. §1503 {Title 23, §1503 of the Pennsylvania Consolidated Statutes Annotated}

Persons qualified to solemnize marriages.

- (a) General Rule. -- The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:
1. A justice, judge or district justice of this Commonwealth.
 2. A former or retired justice, judge or district justice of this Commonwealth who is serving as a senior judge or senior district justice as provided or prescribed by law.
 3. An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania.
 4. An active or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth.
 5. A mayor of any city or borough of this Commonwealth.
 6. A minister, priest or rabbi of any regularly established church or congregation.
- (b) Religious organizations. -- Every religious society, religious institution or religious organization in this Commonwealth may join persons together in marriage when at least one of the persons is a member of the society, institution or organization, according to the rules and customs of the society, institution or organization.
- (c) Marriage License needed to officiate. -- No person or religious organization qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a marriage license issued under this part.