Kentucky Marriage Law:

A Guide for County Clerks

Office of the Attorney General
Russell Coleman, Attorney General

June 2025

This resource explains the provisions of KRS Chapter 402 involving marriages. It is intended to be a guide for County Clerks and their deputies. Please remember this guide should not be relied upon as exclusive legal authority.

The Office of the Attorney General welcomes suggestions for improvements to this resource, as well as ideas for future publications. Comments may be sent to the Attorney General's Office, 700 Capital Avenue, Frankfort, Kentucky 40601, or to our website, https://ag.ky.gov/.

Published by the Office of the Attorney General

First printing 1996
Revised 2021 and Updated 2023
Current Update 2025

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June 27, 2025

Dear County Clerks,

It is my pleasure to provide you with an updated County Clerk's Guide to Kentucky Marriage Law. The guide provides an overview of the legal concepts that you may encounter in the course of your duties as you issue and record marriage licenses, and also provides references to the relevant statutes, case law, and Attorney General Opinions. This update includes information related to the new authority of clerks to correct marriage licenses, answers to new frequently asked questions, and some revised sample affidavits.

By helping to facilitate marriage, you and your staff play a critical role in aiding the development of our communities, the Commonwealth, and American society. Thank you for your dedication to this important work.

If you have any questions about this guide, please do not hesitate to contact the Office of the Attorney General by visiting http://ag.ky.gov or by calling (502) 696-5300.

Sincerely,

Russell Coleman
ATTORNEY GENERAL

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Defining Marriage

In Kentucky, the word "marriage" "refers only to the civil status, condition, or relation of one (1) man and one (1) woman united in law for life[.]" KRS 402.005.[1] The Kentucky Constitution reaffirms that definition: "Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky." Ky. Const. § 233A.

In *Obergefell v. Hodges*, the United States Supreme Court held that "the right to marry is a fundamental right inherent in the liberty of the person, and . . . couples of the same-sex may not be deprived of that right and that liberty." 576 U.S. 644, 675 (2015). Accordingly, the Commonwealth recognizes marriages between opposite-sex partners and same-sex partners alike.

Void Marriages

The Commonwealth considers some forms of marriage as void and, therefore, prohibits the recognition of those unions.

I. Incestuous marriages prohibited.

The Commonwealth does not recognize marriages between persons nearer in kin by blood, either whole or half, than second cousins. KRS 402.010(1). By statute, this form of marriage is "incestuous and void." KRS 402.010(2). This provision protects the family unit and society from genetic mutations that may occur as a result of incestuous relationships. *See Raines v. Commonwealth*, 379 S.W.3d 152, 154 (Ky. App. 2012); OAG 71-480.[2]

The word "cousin," "without more means the son or daughter of one's uncle or aunt . . . . The children of first cousins are second cousins to each other; the children of one's first cousins are sometimes popularly called his second cousins, but are more properly, his 'first cousins once removed.'" *Culver v. Union & New Haven Tr. Co.*, 179 A. 487, 489 (Conn. 1935).

Marriage between first cousins is prohibited, KRS 402.010, and there are no exceptions to the prohibition. *See Ex parte Bowen*, 247 S.W.2d 379 (Ky. 1952); OAG 80-300. Kentucky does not recognize a marriage between first cousins even when consummated in another state. Although Kentucky may recognize some marriages otherwise prohibited by statute when consummated in another state, both "polygamous and incestuous marriages" are never recognized because such marriages

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[1] Statutes referenced in this guide are included in Appendix A.

[2] References to Opinions of the Attorney General and cases are included only for the specific proposition cited.

are "contrary to the law of nature and are subversive of the good order of society." *Dannelli v. Dannelli's Adm'r*, 67 Ky. (4 Bush) 51 (1868).

Note that a half-sibling is a sibling within the meaning of KRS 402.010, and that marriage between half-siblings is prohibited. *Burdue v. Commonwealth*, 138 S.W. 296 (Ky. 1911). Similarly, adopted siblings cannot marry even if there is no blood relationship. *See* KRS 199.520(2) ("[U]pon entry of the judgment of adoption . . . the child . . . shall be considered for purposes of inheritance and succession *and for all other legal considerations*, the natural child of the parents adopting it the same as if born of their bodies." (emphasis added)); KRS 530.020 (prohibiting as incestuous relationships between individuals who are related only by adoption); *Raines v. Commonwealth*, 379 S.W.3d 152 (Ky. App. 2012) (explaining the incest prohibitions are "designed to generally protect the family unit"). It is also impermissible for an aunt or uncle to marry her or his nephew or niece. *Baker v. Thomas*, 114 S.W.2d 1113 (Ky. 1938).

II. Marriage with person mentally incompetent prohibited.

Marriage with a person adjudged mentally disabled by a court of competent jurisdiction is prohibited and void. KRS 402.020(1)(a).

However, mere evidence of mental incapacity is not sufficient to overcome the presumption of the legality of a marriage. *Griffin v. Beddow*, 286 S.W.2d 403 (Ky. 1954). The test usually applied to determine whether one has mental capacity sufficient to contract a valid marriage is whether the party understands the nature of the marital contract and the duties and responsibilities it creates. Therefore, even when a person is adjudged mentally incompetent by a court with expert testimony supporting that conclusion, the person may still marry if evidence shows that he or she is capable of understanding the nature of the marital contract and the duties and responsibilities it creates at the time he or she marries. *Gellert v. Busman's Adm'r*, 39 S.W.2d 511 (Ky. 1962).

III. Marriage where there is a husband or wife living prohibited.

A marriage where there is a husband or wife living, from whom the person seeking to marry has not been divorced, is prohibited and void. KRS 402.020(1)(b).

Such marriages are bigamous,[3] and the statute is strictly construed. Therefore, even if a person believes his or her spouse is dead and informs another person about

[3] Under KRS 530.010, it is a Class D felony for a person to marry another person knowing he or she has a spouse or knowing the other person has a spouse.

the perceived death and later marries the other person, the marriage is still bigamous and void if the first spouse is alive. *Rose v. Rose*, 118 S.W.2d 529, 532 (Ky. 1938).[4]

Parol evidence (prior or contemporaneous evidence that contradicts the record) is insufficient to prove to a court that a divorce has been granted. *Trimble v. Wells*, 234 S.W.2d 683 (Ky. 1950). In other words, it is not enough to show that two spouses made an informal agreement to divorce; they must actually divorce.

IV. Marriage not solemnized in the presence of an authorized person prohibited.

All marriages not solemnized or contracted in the presence of an authorized person or society are prohibited and void. KRS 402.020(1)(c).

There is one statutory exception to this rule: When a person professes to have authority to solemnize marriages and purports to solemnize a marriage without such authority, the marriage is legally valid if either or both of the parties to the marriage believes that the person had such authority. KRS 402.070.

For a thorough discussion of who may solemnize, see page 12 of this guide.

V. Marriage between more than two persons prohibited.

Marriages between more than two persons are prohibited in Kentucky. KRS 530.010. This includes intentionally bigamous or polygamous marriages and marriages in which one party is not yet divorced (*see* pages 6–7 of this guide).

VI. Marriage with person under age 18 prohibited.

Under KRS 402.020(1)(f), a marriage in which one or both parties are under age 18 at the time of marriage is prohibited and void.[5]

A. Exceptions.

A marriage where one or both parties is under age 18 will be valid if it was entered into in the Commonwealth of Kentucky prior to July 14, 2018, or if it was entered into lawfully in another state or country prior to the parties residing in the

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[4] *But see* KRS 530.010(2) (allowing for a defense to bigamy if the person "believed he was legally eligible to remarry").

[5] Although KRS 402.020 states, in part, that the marriage of a person under the age of eighteen is prohibited and void, a federal district court has previously concluded that such a marriage is merely voidable and, therefore, valid, absent a court declaration to the contrary. *See Holbert v. West*, 730 F. Supp. 50, 52–53 (E.D. Ky. 1990). The primary function of the clerk is to determine whether a marriage license should be issued based on the facts and information available. Whether the subsequent marriage is legal is a matter, ultimately, for the courts to resolve.

Commonwealth of Kentucky. KRS 402.020(2). The General Assembly has also provided a qualified exception for 17-year olds. *See* KRS 402.205.

B. Special process if 17-year old applies for a marriage license.

Under KRS 402.205, a 17-year old may petition the family court or the District Court (if there is no family court) in the county in which the minor resides for an order granting permission to marry. The court may impose a fee of no more than $20 to file the petition. KRS 402.205(10). For the petition to be legally adequate, it must contain personal information, an affidavit attesting a parent or guardian's consent to the marriage,[6] a statement detailing why the minor petitioner seeks to marry, evidence of the petitioner's maturity, and copies of any criminal records of the parties seeking to marry. For an exhaustive list of the statutory requirements of the petition, and what documents may satisfy each element, consult KRS 402.205.

Once the petition is filed, the court must set a date for an evidentiary hearing that is no sooner than 30 days, but not later than 60 days, from the date of the filing. KRS 402.205(2). The petitioner may be represented by counsel during the proceeding. KRS 402.205(3). It is the court's duty to ensure that any representations made by a minor party are free of coercion, undue influence, or duress, and may take any reasonable measures to do so. KRS 402.205(4). If the court grants the minor's petition for permission to marry, county clerks may rely on the court's determination that the petitioners met the requirements for the exception.

Obtaining the court's permission to marry is not sufficient to solemnize a marriage. The county clerk must receive a certified copy of the court order; without a certified copy of the order, the clerk must not issue a marriage license. At least 15 days must elapse between when the court order was granted and when the clerk issues the marriage license. KRS 402.210.

VII. Common-law marriages prohibited.

Kentucky law does not allow for the creation of common-law marriages. In *Pendleton v. Pendleton*, 531 S.W.2d 507, 509–10 (Ky. 1976), the court stated: "[I]n this state there is no such thing as a common-law marriage. What might be a common-law marriage somewhere else is no marriage at all here. As distinguished from being 'void' or 'illegal', it simply does not exist as a 'marriage' of any kind."

However, while Kentucky law does not allow for a common-law marriage to be created within the Commonwealth, Kentucky will recognize a common-law marriage legally recognized by another state. *See Vaughn v. Hufnagel*, 473 S.W.2d 124, 125 (Ky. 1971).

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[6] Please see Appendix B for a sample affidavit.

The Application

I. License required.

No marriage can be solemnized without a license. KRS 402.080.

II. Form of license.

Each county clerk must use the form prescribed by the Department for Libraries and Archives when issuing a marriage license. The form provides for the entering of all the information required by KRS 402.100. The form may also provide for the entering of additional information prescribed by the Department for Libraries and Archives.

The form will consist of a marriage license, a marriage certificate to be recorded by the county clerk, and a certificate that the person solemnizing the marriage must give to the married parties. The form must be uniform throughout the state, and every license must contain the identical words and figures prescribed by the statute. KRS 402.110.

III. Who may issue the marriage license?

The marriage license is to be issued by the county clerk. KRS 402.080. In general, the license may be obtained from any county clerk in Kentucky, regardless of the applicants' county of residence, if the license is issued on the in-person application of the parties. If a party is 17 years old, the license must be issued in the county in which the minor party reside (but it can only be issued after the minor party has completed the required process under KRS 402.205 and the 15-day waiting period has passed.)[7]

In the absence of the county clerk, or during a vacancy in the office, the county judge/executive may issue the license and, in so doing, he must perform the same duties and incur the same responsibilities as the clerk. The county judge/executive must return a memorandum to that effect to the clerk, and the memorandum must be recorded as if the license had been issued by the clerk. KRS 402.240.

IV. Duties of the clerk relative to the license.

When parties request a marriage license, the clerk must request from both parties a Social Security card or other government-issued identification, such as a passport, driver's license, or immigration card. KRS 402.100. The government-issued

[7] If both parties are 17 years old, but reside in different counties, it is the belief of this Office that the license may be issued in either county.

identification does not need to be photo identification. Nor does the statute specify that it must be a U.S. government identification. The government-issued identification is solely for use as a means of establishing the identities of the parties; the clerk should not record or retain the identification numbers. KRS 402.100(4).

In issuing the license, the clerk must deliver it in its entirety to the licensee(s). The clerk must ensure that every blank space on the form that is required to be filled out by the applicants is filled out before delivering it to the licensee(s). KRS 402.110.[8]

KRS 402.100(2)(d) requires the county clerk (or deputy clerk) to sign a statement that the marriage certificate was recorded in the county in which the marriage license was issued. The statement must indicate the date the marriage certificate was recorded.

V. Both parties must be present.

According to KRS 402.210, both parties seeking to marry must be present for the license to be issued. However, the presence requirement does not apply if it would unduly burden the parties' right to marry because one or both parties are physically unable to be present. *See* OAG 19-022; *Jones v. Perry*, 215 F.Supp.3d 563 (E.D. Ky. 2016).

A federal court in Kentucky has addressed this in the prison context. In *Jones v. Perry*, the District Court suggested several alternatives to an in-person application that would help meet the State's interest in verifying the eligibility of marriage applicants, including having the clerk go to the prison and watch the inmate sign the license, deputizing someone at the prison to issue the marriage license to the inmate, or ordering the prisoner to (1) submit all fees and documents required under law for the issuance of a marriage license, and (2) submit an affidavit or sworn statement, verified by the warden or warden's designee and a notary republic, that identifies the names of the applicants and states that the applicant is unable to appear due to incarceration.

Similarly, an affidavit could be used in the medically indicated physical illness or disability context.

If the affidavit used includes an applicant's Social Security number, clerks should redact such information prior to recording the affidavit with the completed application for the marriage license. Sample affidavits are included in Appendix B of this guide.

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[8] Under KRS 402.270, clerks must also distribute a marriage manual to each person who applies for a marriage license. However, as of the time of this writing, the marriage manual has not been published by the agency assigned that task.

VI. Documentary proof of age required.

Before a marriage license can be issued, both parties must present to the clerk documentary proof of age. KRS 402.210. In KRS 402.210, the General Assembly has provided clear guidance regarding the forms of identification an applicant may produce to prove his or her age and permits use of the following:

1. A copy of a birth record;
2. A certification of birth issued by the state department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;
3. A baptismal record showing the individual's date of birth;
4. A passport;
5. An automobile driver's license;
6. Any government- or school-issued identification card showing the individual's date of birth;
7. An immigration record showing the individual's date of birth;
8. A naturalization record showing the individual's date of birth; or
9. A court order or any other document or record issued by a government entity showing the individual's date of birth.

VII. Oath not required.

Neither the county clerk nor a deputy county clerk has the authority to require an oath in connection with the marriage license application. Nothing in KRS Chapter 402 requires an application for a marriage license to be made under oath. *Whitaker v. Commonwealth*, 367 S.W.2d 831 (Ky. 1963).

VIII. No blood test required.

Kentucky law does not require the parties seeking a marriage license to submit to a blood test.

IX. No waiting period required unless one or both parties is 17 years old.

Kentucky law does not require the parties to submit to a waiting period before the clerk may issue a marriage license unless one or both of the parties is 17 years old. If a 17-year old has petitioned the court for marriage under the process established in KRS 402.205 and the court grants the petition, the clerk must wait 15 days after the court grants the petition before issuing the marriage license. KRS 402.210(3).

X. No length of residency requirement.

Kentucky law does not include a residency requirement to obtain a marriage license. The residence of the parties only matters in the case of a marriage involving a 17-year-old. KRS 402.080 requires a 17-year-old to apply for a license in the county in which he or she resides. Even in this instance, there is no durational residency requirement.

There is no provision disqualifying non-residents or non-citizens from applying for a marriage license in Kentucky. *See* OAG 82-416.

XI. Each marriage license is valid for 30 days.

A marriage license is valid for 30 days, including the date on which it is issued. KRS 402.105. If the marriage is not solemnized within the 30-day period, the parties must apply for a new license.

Solemnization of Marriage

I. Who may solemnize a marriage?

KRS 402.050 establishes three categories of persons who may solemnize a marriage. A person wishing to solemnize a marriage must fit into one of the three categories. A deputy county judge/executive has no authority to solemnize a marriage. OAG 82-145.

There are no licensing requirements for the person solemnizing the marriage. KRS 402.050.[9]

A marriage solemnized by any person who professes to have authority to solemnize marriages, but who is, in fact, not authorized, will not be invalid for the want of such authority if the marriage is consummated with the belief of the parties, or either of them, that: (1) the person solemnizing the marriage had the authority; and (2) they have been lawfully married. KRS 402.070; *Arthurs v. Johnson,* 280 S.W.2d 504, 505 (Ky. 1955).

[9] Previously, KRS 402.060 required a minister or priest who resided in Kentucky, or who served as a minister or priest in a place of worship in Kentucky, to obtain a license and to post bond before performing marriages in Kentucky. The General Assembly repealed the licensure and bonding requirements in 1996. *See* 1996 Ky. Acts ch. 205 (SB 68); *see also* OAG 80-256 (noting the qualifications of a minister, including age, are left up to the particular religious denomination).

II. Where may a marriage be solemnized?

A person authorized to solemnize marriages may solemnize them anywhere in Kentucky. *See Manning v. Street,* 130 S.W.2d 735, 737 (Ky. 1939); OAG 72-620; *see also* 55 C.J.S. Marriage § 40. Persons authorized to solemnize marriages may even solemnize a marriage, under a Kentucky marriage license, in an airplane flight so long as the marriage is solemnized while the plane is in the air space within Kentucky's boundaries. OAG 72-620. A Kentucky license does not authorize a marriage to be solemnized outside Kentucky. OAG 72-622.

III. Who must be present?

At least two persons, in addition to the parties and the person solemnizing the marriage, must be present to witness every marriage. KRS 402.050(2). The witnesses to the marriage may be under the age of 18 if, in the opinion of the person solemnizing the marriage, they are sufficiently intelligent to observe, recollect, and narrate (if it were ever necessary) the critical facts as to the marriage and the identity of the parties to the marriage, and have a moral sense of obligation to speak the truth, if called upon to do so. OAG 79-323.

Post-Ceremony Duties

I. Return of license to be made within one month.

The person solemnizing the marriage, or the clerk of the religious society before whom it was solemnized, must return the license within one month to the county clerk who issued it. The license must include a certificate of the marriage over the marriage solemnizer's signature, which includes the date and place of the marriage ceremony and the names of at least two people who were present. KRS 402.220.

KRS 402.230 requires that the marriage certificate be filed in the county clerk's office. The county clerk must keep in a record book a register of the parties' names, the date of the marriage, and the name of the person or religious society who solemnized the marriage. The clerk must keep an index to the book in which the register is made.

The clerk's duty to file the certificate and record the required data remains, even if the person solemnizing the marriage does not return the license and certificate to the county clerk within the one-month period. When the license and certificate reach the clerk after the one-month period has elapsed, the clerk should make a note of the deadline date and the date of acceptance. Failure to return the license and certificate to the clerk within the time provided by the statute will not make the marriage null and void. *See* OAG 84-152.

II. Loss of license and certificate after solemnization of marriage.

As a preliminary matter, failure to return the license and certificate to the clerk within the time provided by the statute (whether intentional or unintentional) will not affect the legality or validity of the marriage. *See* OAG 84-152 (finding that the statutory requirement to return the certificate is to establish a public record or proof of the marriage and does not impact the validity of the marriage). The requirement to return the license is separate from the validity of the marriage; where a marriage ceremony is shown, there is a presumption of a legal marriage. *See Vest's Adm'r v. Vest*, 28 S.W.2d 782, 783 (Ky. 1930).

To address the loss of the license and certificate, if the marriage ceremony has been properly performed but the person solemnizing the marriage has lost the license and certificate, or if the license and certificate have been lost in the mail, the clerk may issue a certified "duplicate" marriage license to the parties. OAG 82-242. Before issuing the duplicate copy of the marriage license, the clerk should require the person who solemnized the marriage and the married persons to sign an affidavit that the individual who performed the marriage ceremony "did on a certain day take the original marriage license and solemnize the marriage" between the parties involved. OAG 82-242. Appendix B of this guide provides a sample affidavit. Parties may choose to write their own affidavits. So long as the affidavit has the relevant information, and is signed and notarized, it will be sufficient for the issuance of the duplicate marriage license. Once the clerk receives the affidavit(s), the duplicate license can be delivered to the married parties so that it can be signed by them, the witnesses, and solemnizer. If the parties cannot sign at the same time, the person who solemnized the marriage should sign last so he or she can ensure all aspects are completed. The certificate should then be returned to the clerk for filing. Clerks should keep in their records the original marriage license and the affidavits.

If any of the parties required for a legal, civil marriage (the parties to the marriage, two witnesses, and the solemnizer) are no longer living or cannot be found, the affidavit procedure cannot be used. The party seeking to establish the marriage was in fact performed on a particular day between the particular parties will have to go to court.

III. Marriage solemnized outside Kentucky.

A Kentucky marriage license does not authorize the performance of a marriage ceremony in another state. If it has been so used, it cannot be filed in the office of a Kentucky county clerk. *See* OAG 72-622.

County clerks may—but are not required to—register marriages that have been solemnized in other jurisdictions (domestic and international). As long as the marriage was validly solemnized under the legal processes of that jurisdiction—and

it is not prohibited by Kentucky law—it will be recognized as valid in Kentucky even without being formally registered or recorded. *See Stevenson v. Gray*, 56 Ky. (17 B.Mon.) 193 (1856).

IV. Correcting errors on marriage licenses or certificates.

As of June 27, 2025, county clerks *are* permitted to correct a marriage application or marriage license[10] if:

1) The original application or license was issued or recorded in that clerk's county;
2) The original application or license contains errors or omitted information; and
3) The couple presents the clerk with an affidavit executed by both parties to the marriage stating what corrections are necessary. KRS 402.235.

A sample affidavit is located in Appendix B. Please note that any person who intentionally makes a material or false statement in the affidavit is subject to penalties listed in KRS 523.030. KRS 402.235.

Clerks are permitted to make corrections for a broad range of errors or omissions. This is not an exhaustive list, but some examples of errors a clerk may correct include:

1) Misspelling of a participant's name or address;
2) Misspelling of the name of a parent or witness;
3) Omitted witness, county of the marriage, or officiant information;
4) Incorrect occupational information;
5) Incorrect marriage date;
6) Incorrect location of birth; or
7) Incorrect parent information.

The original marriage license that was recorded by the clerk should not be amended. Rather, the clerk should make the corrections or additions on a new license, attach that amended license and the affidavit to the original, and retain all three in the record. If a copy of the amended marriage license is requested, the clerk should provide a copy of the amended marriage license with a copy of the attached affidavit and a copy of the original marriage license.

Parties may still seek a court order to amend a marriage license to correct any incorrect or omitted information.

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[10] Previously, county clerks lacked authority to correct any errors on marriage licenses or certificates. *See* OAG 80-300.

Open Records

Marriage records are open records.

Marriage records on file in the clerk's office are public records subject to public inspection under the Kentucky Open Records Act (KRS 61.870 to KRS 61.884). *See* OAG 76-754; OAG 76-493.

Penalty Provisions

The penalty provisions pertaining to the marriage statutes are set forth in KRS 402.990 and KRS 523.030.

I. Penalties applicable to clerks and deputies.

It is a Class A misdemeanor:

1. For a county clerk to knowingly issue a marriage license to any persons prohibited from marrying under KRS Chapter 402.[11] A clerk who knowingly issues a license to persons prohibited from marrying will be removed from office. KRS 402.990(6).
2. For a county clerk to knowingly issue a marriage license in violation of his duty under KRS Chapter 402. KRS 402.990(7).
3. For any person other than a county clerk, including a deputy clerk, to knowingly issue a marriage license in violation of KRS Chapter 402 or for a prohibited marriage. KRS 402.990(8).

Any county clerk who violates any of the provisions of KRS 402.110 (which requires the license to be completed) or KRS 402.230 (which requires the certificate to be filed in the clerk's office) shall be guilty of a violation punishable by a fine not to exceed $250. KRS 402.990(10); KRS 534.040(2)(c).

II. Penalties applicable to other parties.

It is a Class D felony for:

1. Any unauthorized person to solemnize a marriage under pretense of having authority. KRS 402.990(4).
2. Any person to falsely impersonate the father, mother, or guardian of an applicant in obtaining a license. KRS 402.990(4).

[11] After the Supreme Court's decision in *Obergefell v. Hodges*, clerks may issue a marriage license to persons who previously would have been prohibited from marrying under Ky. Const. § 233A and KRS 402.045.

3. Any person to falsely and fraudulently represent or impersonate another, and in such assumed character, marry. KRS 402.990(5).

It is a Class A misdemeanor for:

1. Any authorized person to knowingly solemnize a marriage prohibited by this chapter. KRS 402.990(3).
2. The parties to continue to cohabit as man and wife after conviction for being a party to a marriage prohibited by KRS 402.010. KRS 402.990(1).

It is a Class B misdemeanor to:

1. Be a party to a marriage prohibited by KRS 402.010. KRS 402.990(1).
2. Aid or abet the marriage of any person who has been adjudged mentally disabled. KRS 402.990(2).
3. Attempt to marry any person who has been adjudged mentally disabled. KRS 402.990(2).
4. Aid or abet any attempted marriage with a person adjudged mentally disabled. KRS 402.990(2).

Any person who fails to make the return of the license with a certificate of the marriage, as required by KRS 402.220, shall be guilty of a violation punishable by a fine not to exceed $250. KRS 402.990(11); KRS 534.040(2)(c).

Any person soliciting, persuading, enticing, directing, or inducing any person to be married will be guilty of a violation. It is also a violation for a person authorized to solemnize a marriage to pay, divide, or share with any other person the remuneration obtained for solemnizing the marriage. KRS 402.990(9). Each such violation may be punished by a fine not to exceed $250. KRS 534.040(2)(c).

III. Penalties applicable to any person.

1. Any person who intentionally makes a material false statement in the affidavit for an amended marriage application or license shall be subject to the penalties prescribed in KRS 523.030. KRS 402.235.
2. A person is guilty of perjury in the second degree when he makes a material false statement which he does not believe in a subscribed written instrument for which an oath is required or authorized by law with the intent to mislead a public servant in the performance of his official functions. KRS 523.030(1).

Frequently Asked Questions

1. Is photo identification required to obtain a marriage license?

No. Marriage license applicants do not need to produce photo identification to meet the requirements of KRS 402.100 or KRS 402.210.

Under KRS 402.100, the clerk must request from both parties a Social Security card or another form of government-issued identification. The government-issued identification is solely for use as a means of establishing the identities of the parties.

Aside from establishing identity, only documentary proof of age is required. KRS 402.210 lists a variety of documents that are acceptable as proof of age. Many documents listed in KRS 402.210, including Social Security cards and baptismal records, do not include photos. Therefore, photo identification is not required to ascertain whether the applicant is of legal age to marry.

2. Are foreign documents acceptable to satisfy the marriage license requirements?

Yes. Foreign documents are acceptable to satisfy the marriage license requirements. KRS 402.100(4) does not limit "government-issued identification" to identification issued by a domestic government entity. Similarly, KRS 402.210(1)(b) does not limit "any government . . . identification card" to identification cards issued in the United States. Additionally, there is no requirement that marriage license applicants be residents of the Commonwealth of Kentucky or the United States. Therefore, foreign documents are acceptable and should be accepted by county clerks to satisfy the marriage license requirements.

3. Are copies of documents acceptable to satisfy the marriage license requirements?

Generally, yes. A copy of a Social Security card or other government issued identification is acceptable to prove identity so long as the original document would be acceptable under KRS 402.100. A copy of a document may be used to verify age so long as the original document would be acceptable under KRS 402.210.

The county clerk does not have a duty or burden to prove the validity of an applicant's documents. OAG 78-431. Therefore, county clerks may generally rely on the information presented to them by marriage license applicants. However, if the clerk has a valid, extrinsic, and articulable reason for doubting the authenticity of the document, the clerk should not accept the document.

4. May a clerk accept expired documents?

Yes. County clerks are required to check the marriage license applicants' identity and age. A once-valid document such as a government-issued identification card presumably has the correct name and birth date. Therefore, county clerks may rely on expired documents. However, if the clerk has a valid, extrinsic, and articulable reason for doubting the authenticity of the document, the clerk should not accept the document.

5. How may a marriage license be amended?

Effective June 27, 2025, county clerks may correct a marriage application or license that contains errors or omits information if a clerk receives an affidavit executed by both parties to the marriage. KRS 402.235. A sample affidavit can be found in Appendix B.

Parties may still seek a court order to amend a marriage license to correct any incorrect or omitted information.

6. Are out-of-state and foreign marriages recognized by the Commonwealth of Kentucky?

Yes. In general, Kentucky recognizes marriages solemnized outside Kentucky so long as the marriage was legal where it was solemnized, and it is not against Kentucky public policy. *See* KRS 402.040(1). This recognition extends to marriages solemnized abroad. *See Dannelli v. Dannelli's Adm'r*, 67 Ky. (4 Bush) 51, 58 (1868); *Stevenson v. Gray*, 56 Ky. (17 B.Mon.) 193 (1856) (noting the settled general rule of law is "a marriage valid by the laws of the country where it is celebrated, is to be held valid in other countries"). It is the responsibility of the married parties to ensure that the marriage was legal where it was solemnized.

There is no requirement to record out-of-state marriage licenses and there is no formal registry of out-of-state marriages.

Appendix A: Relevant Statutes

UNOFFICIAL TEXT OF STATUTES
FOR INFORMATION ONLY

This printing of a portion of the Kentucky Revised Statutes does not constitute an official version of these statutes and is provided for information purposes only. For the official text of statutes and for the current supplementation, the user should consult an official edition of the Kentucky Revised Statutes.

199.520 Judgment -- Prerequisites -- Orders -- Name and legal status of child -- Health history and other nonidentifying information of biological parents and relatives to be given to adoptive parents.

(1) After hearing the case, the court shall enter a judgment of adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child; and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption. In the judgment, the name of the child shall be changed to conform with the prayer of the petition. The judgment and all orders required to be entered and recorded in the order book, including the caption, shall contain only the names of the petitioners and the proposed adopted name of the child, without any reference to its former name or the names of its birth parents.

(2) Upon entry of the judgment of adoption, from and after the date of the filing of the petition, the child shall be deemed the child of petitioners and shall be considered for purposes of inheritance and succession and for all other legal considerations, the natural child of the parents adopting it the same as if born of their bodies. Upon granting an adoption, all legal relationship between the adopted child and the biological parents shall be terminated except the relationship of a biological parent who is the spouse of an adoptive parent.

(3) The clerk of the court shall notify the cabinet of any action of the court with respect to entering a judgment granting an adoption, the amendment of an adoption, or the denial or dismissal of a petition for adoption.

(4) (a) The health history and other nonidentifying background information of biological parents and blood relatives of the adopted person, in writing, on a standardized form, provided by the cabinet, if known, shall be given by the cabinet or child-placing agency which has the information to the adoptive parents and to the Circuit Court not later than the date of finalization of the

adoption proceedings. This information shall include the results of any tests for HIV or hepatitis A, B, and C; and

(b) The information provided for in paragraph (a) of this subsection, if known, shall, upon the request in person or in writing of the adult adopted person be made available in writing to that person. The information shall not be made available if it is of a nature that would tend to identify the biological parents of the adopted person except as provided in KRS 199.570 and 199.572.

402.005 Definition of Marriage

As used and recognized in the law of the Commonwealth, "marriage" refers only to the civil status, condition, or relation of one (1) man and one (1) woman united in law for life, for the discharge to each other and the community of the duties legally incumbent upon those whose association is founded on the distinction of sex.[12]

402.010 Degree of relationship that will bar marriage.

(1) No marriage shall be contracted between persons who are nearer of kin to each other by consanguinity, whether of the whole or half-blood, than second cousins.

(2) Marriages prohibited by subsection (1) of this section are incestuous and void.

402.020 Other prohibited marriages.

(1) Marriage is prohibited and void:

(a) With a person who has been adjudged mentally disabled by a court of competent jurisdiction;

(b) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(c) When not solemnized or contracted in the presence of an authorized person or society;

(d) Between members of the same sex;[13]

(e) Between more than two (2) persons; and

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[12] After the U.S. Supreme Court held in *Obergefell v. Hodges* that "the right to marry is a fundamental right inherent in the liberty of the person, and . . . couples of the same-sex may not be deprived of that right and that liberty," 576 U.S. 644, 675 (2015), the Commonwealth recognizes marriages between opposite-sex partners and same-sex partners alike.

[13] *See* note 10.

(f) Except as provided in KRS 402.210, with a person who at the time of marriage is under eighteen (18) years of age.

(2) Subsection 1(f) of this section shall not apply to a lawful marriage entered into in the Commonwealth of Kentucky prior to July 14, 2018, or to a lawful marriage in another state or country prior to the parties' residence in the Commonwealth of Kentucky.

402.030 Courts may declare certain marriages void.

(1) Courts having general jurisdiction may declare void any marriage obtained by force or fraud, or, provided that the petition is brought by a party who was under the age of majority as defined by KRS 2.015 at the time of marriage, a marriage obtained by duress.

(2) At the instance of any next friend, courts having general jurisdiction may declare any marriage void where the person was under eighteen (18) years of age at the time of marriage, and the marriage was without the consent required by KRS 402.210.

402.040 Marriage in another state.

(1) If any resident of this state marries in another state, the marriage shall be valid here if valid in the state where solemnized, unless the marriage is against Kentucky public policy.

(2) A marriage between members of the same sex is against Kentucky public policy and shall be subject to the prohibitions established in KRS 402.045.[14]

402.045 Same-Sex Marriage in another jurisdiction void and unenforceable.[15]

(1) A marriage between members of the same sex which occurs in another jurisdiction shall be void in Kentucky.

(2) Any rights granted by virtue of the marriage, or its termination, shall be unenforceable in Kentucky courts.

402.050 Who may solemnize marriage — Persons present.

(1) Marriage shall be solemnized only by:

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[14] *See* note 10.

[15] *See* note 10.

(a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;

(b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or

(c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

(2) At least two (2) persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

402.060 REPEALED.

402.070 Marriage not invalid for want of authority to solemnize.

No marriage solemnized before any person professing to have authority therefor shall be invalid for the want of such authority, if it is consummated with the belief of the parties, or either of them, that he had authority and that they have been lawfully married.

402.080 Marriage license required — Who may issue.

No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is eighteen (18) years of age or over or a widow, and the license is issued on her application in person, in which case it may be issued by any county clerk.

402.090 Soliciting persons to be married by particular person — Sharing remuneration — Solicitation by minister or justice of the peace.

(1) No person shall, for compensation or reward, solicit, persuade, entice, direct or induce any persons to go before any person authorized to solemnize marriage to be married. No such person shall receive for such services any part of the remuneration paid for solemnizing the marriage.

(2) No person authorized to solemnize marriage shall pay, give to, or divide or share with any other person any sum of money or other thing obtained by him for solemnizing marriage.

(3) No person authorized to solemnize marriage shall solicit, persuade, entice, direct or induce any persons to come before him to be married.

402.100 Marriage license — Marriage certificate — Confidentiality of Social Security or other government-issued identification card numbers.

Each county clerk shall make available to the public the form prescribed by the Department for Libraries and Archives for the issuance of a marriage license. The department shall issue a marriage license form which provides for the entering of information identifying each party as a "bride," "groom," or "spouse." This form shall provide for the entering of all of the information required in this section, and may also provide for the entering of additional information prescribed by the Department for Libraries and Archives. The form shall consist of:

(1) A marriage license which provides for the entering of:

(a) An authorization statement for any person or religious society authorized to perform marriage ceremonies to unite in marriage the parties named;

(b) Vital information for each party, including the full name, date of birth, place of birth, race, gender, condition (single, widowed, or divorced), number of previous marriages, occupation, current residence, relationship to the other party, and full names of parents;

(c) A statement signed by both parties swearing that, to the best of their knowledge, the information provided on the form is correct; and

(d) The date and place the application was made.

(2) A marriage certificate which provides for the entering of:

(a) A statement by the person performing the marriage ceremony or the clerk of the religious society authorized to solemnize the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony or the name of the religious society solemnizing the marriage, the names of persons married, the date and place of the marriage, and the names of two (2) witnesses;

(b) A statement by the person performing the marriage ceremony of his legal qualification under this chapter to perform the ceremony, such statement to include the name of the county or city where his license to perform marriage ceremonies was issued[16] or, in the case of religious societies authorized by KRS

[16] KRS 402.060, which previously required ministers or priests to obtain a license to perform marriage ceremonies, was repealed by the General Assembly in 1996. *See* 1996 Ky. Acts ch. 205

402.050(1)(c) to solemnize marriages, the name of the city or county where the religious society is incorporated. The provisions of this paragraph shall not be construed to require the clerk of a religious society to be present at the marriage so long as the witnesses of the society are present;

(c) The printed name and dated signature of the person performing the ceremony; and

(d) A signed statement indicating that the marriage certificate was recorded in the county in which it was filed. The statement shall also include the title of the county clerk or deputy clerk of the county in which the certificate was filed and indicate the date the marriage certificate was recorded.

(3) A certificate to be delivered by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony to the parties married. This certificate shall provide for the entering of:

(a) A statement by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony, or the name of the religious society performing the ceremony, the names of persons married, the date and place of the marriage, and the names of two (2) witnesses; and

(b) A dated signature of the person performing the ceremony or the clerk of the religious society performing the ceremony.

(4) A Social Security card or other government-issued identification card shall be requested as a means of identification of each party, but the number shall not be recorded or retained.

402.105 Marriage license valid for thirty days.

A marriage license shall be valid for thirty (30) days, including the date it is issued, and after that time it shall be invalid.

402.110 Marriage license to be uniform and completely filled out—Exception under KRS 402.100.

Except as provided in subsection (1) of this Act, the form of marriage license prescribed in KRS 402.100 shall be uniform throughout this state, and every license blank shall contain the identical words and figures provided in the form prescribed

(Senate Bill 68). The General Assembly amended the penalty provisions in KRS 402.990 to conform, but has not amended the licensing language in KRS 402.100(2)(b).

by section 1 of this Act. In issuing the license the clerk shall deliver it in its entirety to the licensee. The clerk shall see to it that every blank space required to be filled by the applicants is so filled before delivering it to the licensee.

402.205 Petition to court by seventeen-year-old for permission to marry — Evidentiary hearing — Reasons for denying petition — Effect of pregnancy — Emancipation of minor — Other court-imposed conditions — Fee.

(1) A minor who is seventeen (17) years of age may petition the family court in the county in which the minor resides, or the District Court in that county if a family court division has not been established in that county, for an order granting permission to marry. The petition shall contain the following:

(a) The petitioner's name, gender, age, date of birth, address, and how long the petitioner has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(b) The intended spouse's name, gender, age, date of birth, address, and how long the intended spouse has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(c) An affidavit attesting to the consent to marry signed by:

1. The father or the mother of the petitioner, if the parents are married, the parents are not legally separated, no legal guardian has been appointed for petitioner, and no court order has been issued granting custody of petitioner to a party other than the father or mother;

2. Both the father and the mother, if both are living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the petitioner has been issued and is in effect;

3. The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the petitioner was issued prior to the death of either the father or mother, which order remains in effect;

4. The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the petitioner has not been ordered; or

5. Another person having lawful custodial charge of the petitioner;

(d) A statement of the reasons why the petitioner desires to marry, how the parties came to know each other, and how long they have known each other;

(e) Evidence of the petitioner's maturity and capacity for self-sufficiency independent of the petitioner's parents and the intended spouse, including but not limited to:

1. Proof that the petitioner has maintained stable housing or employment for at least three (3) consecutive months prior to the petition; and

2. Proof that the petitioner has completed high school, obtained a High School Equivalency Diploma, or completed a vocational training or certificate program;

(f) Copies of any criminal records of either party to be married; and

(g) Copies of any domestic violence order or interpersonal protective order involving either party to be married.

(2) Upon the filing of the petition for permission to marry, the court shall set a date for an evidentiary hearing on the petition that is no sooner than thirty (30) days but not later than sixty (60) days from the date of the filing.

(3) The petitioner may be represented by counsel in court proceeding pertaining to the petition to marry.

(4) The court shall take reasonable measures to ensure that any representations made by a minor party are free of coercion, undue influence, or duress. Reasonable measures shall include but are not limited to in-camera interviews.

(5) Following an evidentiary hearing, the court shall grant the minor's petition for permission to marry unless:

(a) The age difference between the parties is more than four (4) years;

(b) The intended spouse was or is a person in a position of authority or a position of special trust as defined in KRS 532.045 in relation to the minor;

(c) The intended spouse has previously been enjoined by a domestic violence order or interpersonal protective order, regardless of whether or not the person to be protected by the order was the minor petitioner;

(d) The intended spouse has been convicted of or entered into a diversion program for a criminal offense against a victim who is a minor as defined in KRS 17.500 or for a violent or sexual criminal offense under KRS Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531;

(e) The court finds by a preponderance of the evidence that the minor was a victim and that the intended spouse was the perpetrator of a sexual offense against the minor under KRS 510.040, 510.050, 510.060, 510.110, 510.120, or 510.130;

(f) The court finds by a preponderance of the evidence that abuse, coercion, undue influence, or duress is present; or

(g) The court finds that it would otherwise not be in the minor party's best interest to grant the petition to marry.

(6) A past or current pregnancy of the minor or the intended spouse shall not be sufficient evidence to establish that the best interests of the minor would be served by granting the petition for marriage.

(7) The granting of a petition for permission to marry filed under subsection (1) of this section shall remove the disabilities of minority. A minor emancipated by the petition shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including but not limited to voting, the use of alcoholic beverages, and other health and safety regulations relevant to him or her because of his or her age.

(8) The minor shall be advised by the court of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the Office of the Attorney General and the Cabinet for Health and Family Services. The fact sheet shall include referral information for legal aid agencies in the Commonwealth and national hotlines for domestic violence and sexual assault.

(9) The court may make any other orders that the court deems appropriate for the minor's protection and may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances for the minor's protection.

(10) The court may set a fee not to exceed twenty dollars ($20) to file a petition for permission to marry under this section.

402.210 Requirements for issuance of license.

(1) Both parties to a marriage shall:

(a) Be present for a marriage license to be issued; and

(b) Present to the county clerk documentary proof of age in the form of:

1. A copy of a birth record;

2. A certification of birth issued by the state department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;

3. A baptismal record showing the individual's date of birth;

4. A passport;

5. An automobile driver's license;

6. Any government or school issued identification card showing the individual's date of birth;

7. An immigration record showing the individual's date of birth;

8. A naturalization record showing the individual's date of birth; or

9. A court record or any other document or record issued by a government entity showing the individual's date of birth.

(2) If either of the parties is under seventeen (17) years of age, no license shall be issued.

(3) If either of the parties is seventeen (17) years of age, a marriage license shall not be issued unless:

(a) The party who is seventeen (17) years of age presents to the clerk a certified copy of a court order by a family court or District Court judge that grants the party permission to marry and removes the party's disability of minority, as provided in KRS 402.205; and

(b) At least fifteen (15) days have elapsed since the court order was granted.

402.220 Return of license and certificate to clerk after ceremony.

The person solemnizing the marriage or the clerk of the religious society before which it was solemnized shall within one (1) month return the license to the county clerk of the county in which it was issued, with a certificate of the marriage over his signature, giving the date and place of celebration and the names of at least two (2) of the persons present.

402.230 Filing of marriage certificate — Record of marriages.

The certificate shall be filed in the county clerk's office. The county clerk shall keep in a record book a fair register of the parties' names, the person by whom, or the religious society by which, the marriage was solemnized, the date when the marriage was solemnized, and shall keep an index to the book in which the register is made.

402.235 Correction of license by clerk -- Affidavit -- Penalty for false statement.

(1) A clerk of the county where a marriage license was issued or recorded, upon receipt of an affidavit executed by both parties to the marriage, may correct a marriage application or marriage license that contains errors or omitted information. The corrections may include but are not limited to:

(a) Misspelling of a participant's name or address;

(b) Misspelling of the name of a parent or witness;

(c) Omitted witness, county of marriage, or officiant information; or

(d) Incorrect:

1. Occupational information;

2. Marriage date;

3. Location of birth; or

4. Parent information.

(2) Nothing in this section shall preclude the parties from obtaining a corrected marriage license by an order of the court pertaining to any of the information in subsection (1) of this section or as may be otherwise required by law.

(3) Any person who intentionally makes a material false statement in the affidavit shall be subject to the penalties prescribed in KRS 523.030.

402.240 County judge/executive to issue license in absence of clerk.

In the absence of the county clerk, or during a vacancy in the office, the county judge/executive may issue the license and, in so doing, he shall perform the duties and incur all the responsibilities of the clerk. The county judge/executive shall return a memorandum thereof to the clerk, and the memorandum shall be recorded as if the license had been issued by the clerk.

402.250 Circuit Court may affirm or avoid marriage.

Where doubt is felt as to the validity of a marriage, either party may, by petition in Circuit Court, demand its avoidance or affirmance; but where one (1) of the parties was of the age of majority, as defined by KRS 2.015 at the time of marriage, the party who is of proper age may not bring such a proceeding for that cause against the party under age.

402.270 Marriage manual — Preparation by Human Resources Coordinating Commission for distribution to marriage applicants.

(1) The Human Resources Coordinating Commission of Kentucky shall prepare a marriage manual for distribution to all applicants for a marriage license. The manual shall include, but not be limited to, material on family planning, proper health and sanitation practices, nutrition, consumer economics, and the legal responsibilities of spouses to each other and as parents to their children.

(2) When the manual is approved it shall be printed by the Human Resources Coordinating Commission. Copies of the manual shall be sent to the county clerk of each county. Each county clerk shall give a copy to each applicant for a marriage license.[17]

402.310 Sickle Cell Disease Detection Act.

KRS 402.310 to 402.340 may be cited as the Kentucky Sickle Cell Disease Detection Act of 1972.

[17] The marriage manual referenced in this section has not yet been published. The duty of clerks under this provision will only be triggered upon publication of such a manual.

402.320 Marriage license applicants to be tested for trait or genetically transmitted disease affecting hemoglobin — Counseling carriers.

Every physician examining applicants for a marriage license may obtain an appropriate blood specimen from each applicant and forward same to the Division of Laboratory Services, Cabinet for Health and Family Services, or to a laboratory approved by the cabinet, to ascertain the existence or nonexistence of sickle cell trait or sickle cell disease, or any other genetically transmitted disease which affects hemoglobin. In the event the laboratory tests indicate that both applicants are carriers of a trait or disease, the physician may provide genetic counseling or refer the applicants to the cabinet or to an agency approved by the cabinet for such counseling.

402.340 Secretary for health and family services to administer and enforce Sickle Cell Disease Detection Act.

The secretary for health and family services shall adopt rules and regulations for the proper administration and enforcement of KRS 402.310 to 402.340.

402.990 Penalties.

(1) Any party to a marriage prohibited by KRS 402.010 shall be guilty of a Class B misdemeanor. If the parties continue after conviction to cohabit as man and wife, either or both of them shall be guilty of a Class A misdemeanor.

(2) Any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a Class B misdemeanor.

(3) Any authorized person who knowingly solemnizes a marriage prohibited by this chapter shall be guilty of a Class A misdemeanor.

(4) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother, or guardian of an applicant in obtaining a license shall be guilty of a Class D felony.

(5) Any person who falsely and fraudulently represents or personates another, and in such assumed character marries that person, shall be guilty of a Class D felony. Indictment under this subsection shall be found only upon complaint of the injured party and within two (2) years after the commission of the offense.

(6) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be guilty of a Class A misdemeanor and removed from office by the judgment of the court in which he is convicted.

(7) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be guilty of a Class A misdemeanor.

(8) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be guilty of a Class A misdemeanor, and if he knowingly issues a license for a marriage prohibited by this chapter, he shall be guilty of a Class A misdemeanor.

(9) Any person who violates any of the provisions of KRS 402.090 shall be guilty of a violation.

(10) Any county clerk who violates any of the provisions of KRS 402.110 or 402.230 shall be guilty of a violation.

(11) Any person failing to make the return required of him by KRS 402.220 shall be guilty of a violation.

403.120 Marriage – Court may declare invalid.

(1) The Circuit Court shall enter its decree declaring the invalidity of a marriage entered into under the following circumstances:

(a) A party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of mental incapacity or deformity or because of the influence of alcohol, drugs, or other incapacitating substances, or a party was induced to enter into a marriage by force or duress, or by fraud involving the essentials of marriage;

(b) A party lacks the physical capacity to consummate the marriage by sexual intercourse, and the other party did not at the time the marriage was solemnized know of the incapacity;

(c) The marriage is prohibited.

(2) A declaration of invalidity under paragraph (a), (b), or (c) of subsection (1) may be sought by any of the following persons and must be commenced within the times specified, but only for the causes set out in paragraph (a) may a declaration of invalidity be sought after the death of either party to the marriage:

(a) For a reason set forth in paragraphs (a) and (b) of subsection (1), by party or by the legal representative of the party who lacked capacity to consent, who was the offended party or did not know of the incapacity, no later than 90 days after the petitioner obtained knowledge of the described condition;

(b) For the reason set forth in paragraph (c) of subsection (1), by either party, no later than one (1) year after the petitioner obtained knowledge of the described condition.

523.030 Perjury in the second degree.

(1) A person is guilty of perjury in the second degree when he makes a material false statement which he does not believe in a subscribed written instrument for which an oath is required or authorized by law with the intent to mislead a public servant in the performance of his official functions.

(2) Perjury in the second degree is a Class A misdemeanor.

530.010 Bigamy -- Defense.

(1) A person is guilty of bigamy when he:

(a) Purports to marry another person knowing he has a husband or wife or knowing the other person has a husband or wife; or

(b) Cohabits in this state after a bigamous marriage in another state.

(2) It shall be a defense to bigamy that the accused believed he was legally eligible to remarry.

(3) Bigamy is a Class D felony.

530.020 Incest.

(1) A person is guilty of incest when he or she has sexual intercourse or deviate sexual intercourse, as defined in KRS 510.010, with a person whom he or she knows to be his or her parent, child, grandparent, grandchild, great-grandparent, great-grandchild, uncle, aunt, nephew, niece, brother, sister, first cousin, ancestor, or descendant. The relationships referred to herein include blood relationships of either the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, relationship of stepparent and stepchild, and relationship of step-grandparent and step-grandchild.

(2) (a) Incest is a Class C felony if the act is committed by consenting persons.

(b) Incest is a Class B felony if committed:

1. With a person without his or her consent;

2. By forcible compulsion as defined in KRS 510.010; or

3. With a person who is:

a. Less than eighteen (18) years of age by a person three (3) or more years older; or

b. Incapable of consent because he or she is physically helpless or mentally incapacitated as defined in KRS 510.010.

(c) Incest is a Class A felony if committed:

1. With a person who is less than twelve (12) years of age; or

2. With a person without his or her consent causing serious physical injury.

534.040 Fines for misdemeanors and violations.

(1) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(2) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:

(a) For a Class A misdemeanor, five hundred dollars ($500); or

(b) For a Class B misdemeanor, two hundred fifty dollars ($250); or

(c) For a violation, two hundred fifty dollars ($250).

(3) This section shall not apply to a corporation.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.

Appendix B: Affidavits

UNOFFICIAL AFFIDAVIT FORMS

1. Minor Petitioning Court for Permission to Marry
2. Incarcerated Individual Applying for Marriage License
3. Non-Prisoner Absentee Applying for Marriage License
4. After Loss of License
5. Correction Due to Error or Omission

Commonwealth of Kentucky

AFFIDAVIT
OF PARENTS OR OTHER PERSON HAVING LAWFUL CUSTODIAL CHARGE EVIDENCING CONSENT TO MARRIAGE LICENSE FOR MINOR APPLICANT
(To be submitted as part of petition made by the minor to the family court in the county)

The undersigned, being first duly sworn, states as follows:

This affidavit is given in connection with the Application for a Marriage License of _____, a minor who is seeking a grant of a petition for permission to marry.
NAME of MINOR

I am the minor applicant's: ( ) Father ( ) Mother ( ) Custodial Guardian

I consent to the marriage of the above-named minor applicant to _____.
NAME of OTHER PARTY to the MARRIAGE

I certify that the minor applicant is seventeen years old. I am submitting this affidavit to join in the petition in accordance with KRS 402.205.

Dated this __ day of _____, 20__.

Signature: _____

Printed Name: _____

Address: _____

NOTE: Under KRS 402.205, **both parents must sign** the affidavit **if** both are living and the parents are divorced or legally separated and a court order of joint custody to the parents of the petitioner has been issued and is in effect. If applicable, please have the second parent fill out the section below.

The undersigned being first duly sworn, states as follows:

This affidavit is given in connection with the Application for a Marriage License of _____, a minor who is seeking a grant of a petition for permission to marry.
NAME of MINOR

I am the minor applicant's: ( ) Father ( ) Mother

I consent to the marriage of the above-named minor applicant to _____.
NAME of OTHER PARTY to the MARRIAGE

I certify that the minor applicant is seventeen years old. I am submitting this affidavit to join in the petition in accordance with KRS 402.205.

Dated this __ day of _____, 20__.

Signature: _____

Printed Name: _____

Address: _____

Acknowledgement

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared the above-named parent(s), who appeared to me to be of sound mind and not intoxicated and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Commonwealth of Kentucky

AFFIDAVIT
OF INCARCERATED APPLICANT SEEKING A MARRIAGE LICENSE
(Attach to application for marriage license)

The undersigned, being first duly sworn, states as follows:

I am currently incarcerated at _____, and therefore, I am unable to appear personally in the office of the County Clerk to apply for a marriage license. Thus, I am submitting the following information for the purpose of obtaining a marriage license so that I may marry _____.
FULL NAME of FUTURE SPOUSE

NAME of APPLICANT: _____
FIRST MIDDLE LAST

AGE: _____ SOCIAL SECURITY NUMBER: _____
Clerk MUST redact this information prior to recording.

DATE of BIRTH: _____
MONTH DAY YEAR

PLACE of BIRTH: _____

MOTHER'S FULL NAME (including maiden): _____

FATHER'S FULL NAME: _____

CURRENT MARITAL STATUS (single, married, divorced, annulled): _____

NUMBER of PREVIOUS MARRIAGES: _____

RACE:_____ GENDER: _____

CURRENT OCCUPATION: _____

CURRENT RESIDENCE: _____

RELATIONSHIP TO OTHER PARTY TO MARRIAGE: _____

_____
SIGNATURE of APPLICANT

Verification

The undersigned Warden or designee of the Warden verifies the identity of the above-signed inmate and verifies the accuracy of the above information.

_____
SIGNATURE of WARDEN (or DESIGNEE)

Acknowledgement

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____ _____, who appeared to me to be of sound mind and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Commonwealth of Kentucky

AFFIDAVIT
OF NON-PRISONER ABSENTEE SEEKING A MARRIAGE LICENSE
(Attach to application for marriage license)

The undersigned, being first duly sworn, states as follows:

I, _____, am currently unable to appear personally in the office of the County Clerk to apply for a marriage license due to a medically indicated physically incapacitating condition. Therefore, I am submitting the following information for the purpose of obtaining a marriage license so that I may marry _____.
FULL NAME of FUTURE SPOUSE

NAME of APPLICANT: _____
FIRST MIDDLE LAST

AGE: _____ SOCIAL SECURITY NUMBER: _____
Clerk MUST redact this information prior to recording.

DATE of BIRTH: _____
MONTH DAY YEAR

PLACE of BIRTH: _____

MOTHER'S FULL NAME (including maiden): _____

FATHER'S FULL NAME: _____

CURRENT MARITAL STATUS (single, married, divorced, annulled): _____

NUMBER of PREVIOUS MARRIAGES: _____

RACE: _____ GENDER: _____

CURRENT OCCUPATION: _____

CURRENT RESIDENCE: _____

RELATIONSHIP TO OTHER PARTY TO MARRIAGE: _____

_____
SIGNATURE of APPLICANT

Verification

The undersigned attending physician, or his or her designee, verifies the identity of the above-signed applicant and verifies the accuracy of the above information.

_____
SIGNATURE of PHYSICIAN (or DESIGNEE)

Acknowledgement

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____ _____, who appeared to me to be of sound mind and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Commonwealth of Kentucky

AFFIDAVIT

AFTER LOSS OF MARRIAGE LICENSE

(Attach to request for copy of marriage license)

The undersigned, being first duly sworn, states as follows:
Married Parties, Spouse #1

I, _____, did personally appear in front of the below named solemnizor and was married on _____,_____ to _____.
DATE of WEDDING FULL NAME of SPOUSE

_____
SIGNATURE

The undersigned, being first duly sworn, states as follows:
Married Parties, Spouse #2

I, _____, did personally appear in front of the below named solemnizor and was married on _____,_____ to _____.
DATE of WEDDING FULL NAME of SPOUSE

_____
SIGNATURE

The undersigned, being first duly sworn, states as follows:
Solemnizor

I, _____, did personally appear and solemnize the marriage of _____ and _____ on_____.
FULL NAME of SPOUSE #1 FULL NAME of SPOUSE #2 DATE of WEDDING

_____
SIGNATURE

The undersigned, being first duly sworn, states as follows:
Witness #1

I, _____, did personally appear and witness the marriage of _____ and _____ on_____.
FULL NAME of SPOUSE #1 FULL NAME of SPOUSE #2 DATE of WEDDING

_____
SIGNATURE

The undersigned, being first duly sworn, states as follows:
Witness #2

I, _____, did personally appear and witness the marriage of
_____ and _____ on_____.
FULL NAME of SPOUSE #1 FULL NAME of SPOUSE #2 DATE of WEDDING

_____
SIGNATURE

Acknowledgement

All statements and signatures need to be notarized. If all parties sign at one time, then the notary only needs to complete one acknowledgement and can list, at the bottom of the acknowledgement, any names that do not fit on the line provided.

Married Parties, Spouse #1

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____, who appeared to me to be of sound mind and not intoxicated, and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Married Parties, Spouse #2

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____, who appeared to me to be of sound mind and not intoxicated, and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Solemnizor

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____, who appeared to me to be of sound mind and not intoxicated, and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Witness #1

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____, who appeared to me to be of sound mind and not intoxicated, and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Witness #2

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____, who appeared to me to be of sound mind and not intoxicated, and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Commonwealth of Kentucky

AFFIDAVIT

CORRECTED MARRIAGE APPLICATION OR LICENSE DUE TO ERROR OR OMISSION

(Attach to copy of the original marriage application or license and a copy of the amended marriage application or license)

The undersigned, being first duly sworn, states as follows:

Married Parties, Spouse #1

I, _____, was married on _____ to _____.
FULL NAME DATE of WEDDING FULL NAME of SPOUSE

The marriage license has been issued or recorded by the county clerk in this county, and I am submitting this affidavit for the purpose of correcting my marriage application or marriage license due to the following errors or omitted information:

_____
_____
_____
_____

_____
SIGNATURE

The undersigned, being first duly sworn, states as follows:

Married Parties, Spouse #2

I, _____, was married on _____ to _____.
FULL NAME DATE of WEDDING FULL NAME of SPOUSE

The marriage license has been issued or recorded by the county clerk in this county, and I am submitting this affidavit for the purpose of correcting my marriage application or marriage license due to the following errors or omitted information:

_____
_____
_____
_____

_____
SIGNATURE

Acknowledgement

All statements and signatures need to be notarized. If all parties sign at one time, then the notary only needs to complete one acknowledgement and can list, at the bottom of the acknowledgement, any names that do not fit on the line provided.

Married Parties, Spouse #1

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____ _____, who appeared to me to be of sound mind and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____

Married Parties, Spouse #2

State of Kentucky
County of _____

On this __ day of _____, 20__, before me personally appeared _____ _____, who appeared to me to be of sound mind and acknowledged that the foregoing instrument was executed as a free act and deed, for the purpose set forth.

_____
NOTARY PUBLIC

Date Notary Public Commission Expires: _____
