

BENTON COUNTY, ARKANSAS
TENA O'BRIEN, COUNTY CLERK

Updated: March 6, 2014

MARRIAGE LICENSE INFORMATION AND REQUIREMENTS

LEGAL AGE TO MARRY:

Both parties must be 18 YEARS OF AGE OR OLDER to contract for a marriage license in Arkansas.

MALES 17 YEARS OF AGE AND FEMALES 16-17 YEARS OF AGE §9-11-102

➤ *MUST have PARENTAL CONSENT*

➤ *A MANDATORY 5-DAY WAITING PERIOD IS REQUIRED*

“Parental consent” is defined as the consent of:

- Both parents of the person under 18 years of age who wishes to enter into a contract for marriage;
or
- The custodial parent of the person under 18 years of age if the parents are divorced and one parent has been awarded custody exclusive of the non-custodial parent; or
- The custodial parent when the non-custodial parent has surrendered custody through abandonment or desertion;
- *Paternity has been determined by a court of competent jurisdiction and the court has awarded custody to the man adjudged to be the father of the under-aged party;* or
- A court-appointed guardian of the person under 18 years of age

IF ONE OR BOTH PARTIES ARE UNDER THE MINIMUM AGE PRESCRIBED IN §9-11-102 and the female is pregnant:

- In those instances where one or both of the parties wishing to marry are under the minimum age and the female IS PREGNANT, both parties may appear before a judge of the circuit court of the district where the application for marriage license is being made. The circuit court judge, after considering all evidence supplied by the parties, may issue an order directing the clerk to issue a marriage license to the party or parties under the minimum age and wishing to marry.

- In those cases where the female has given birth to a child of the parties, the parties may petition the circuit court for consent to marry. The circuit court judge, after considering all of the evidence, may issue an order directing the clerk to issue a marriage license to the parties.

LEGAL IDENTIFICATION:

- Males and Females 18 or over **MUST** present a valid Picture identification (Driver’s License or ID card issued by the State) and provide their Social Security number.
- Males 17 and Females 16-17 **MUST** present (1) a valid picture identification (Driver’s License or government-issued ID card), (2) a state certified Birth Certificate, (3) Social Security Card, **AND** (4) Parental Consent (Parent or Parents must appear with the underage party).
- Other forms of ID may be acceptable **ONLY** with the **County Clerk’s approval**.

FEE:

The license fee is \$60.00 (Sixty Dollars). Cash **ONLY, in the exact amount**.

OTHER:

BOTH MALE AND FEMALE APPLICANTS MUST BE PRESENT TOGETHER WHEN THE LICENSE IS ISSUED. (A Power of Attorney is not acceptable under any circumstances.)

Effective August 1, 2010

MARRIAGE LICENSE IS VALID FOR SIXTY (60) DAYS. The license, used or unused, **MUST** be returned to the office of the County Clerk within 60 days from date of issuance, otherwise the \$100 bond will be executed upon. (A couple has 60 days from the date the license is issued to be married and to return the license to the office to be recorded; or if the license is not used, it must be returned unused for cancellation.) Persons performing marriages as commanded in the license may not perform a marriage if the license is over 60 days old.

WAITING PERIOD: There is no waiting period required in Arkansas if both parties are 18 years of age or older. License may be issued immediately *if* the applicants are both age 18 or over. **Males age 17 and females age 16 or 17 who are obtaining a marriage license WITH parental consent must fulfill a waiting period of 5 business days.**

MEDICAL OR BLOOD TESTS: None required in Arkansas

LICENSE USE: It is the applicant's responsibility to make arrangements for the marriage by a minister or other person qualified to perform marriages in Arkansas. No witnesses are required.

MINISTER'S LICENSE RECORDED: Ministers performing marriages in the State of Arkansas **MUST** have had their credentials (Ordination Certificate or Minister's License) recorded in any county in Arkansas. Ministers must complete the information required in the Certificate of Marriage on the Marriage License. The minister is **NOT** responsible for returning the license after the marriage ceremony. The applicants are responsible and **MUST** return the marriage license to the County Clerk's office to be recorded within **SIXTY (60) DAYS** from the date of issuance.

JUSTICES OF THE PEACE: Justices of the Peace in Arkansas (and any former Justice of the Peace who served at least 2 terms since 1977) may solemnize marriages and must complete the information required in the Certificate of Marriage on the Marriage License.

A list of Justices of the Peace and others who are qualified to perform wedding ceremonies is available through the County Clerk's offices at the phone numbers listed below.

For the issuance of Marriage Licenses, the office hours are: Monday through Friday – 8:00 A.M. until 4:30 P.M.

TENA O'BRIEN, COUNTY CLERK
Benton County Administration Building
215 East Central, Suite 217
Bentonville, AR 72712
(479) 271-1013

Benton County Clerk's Branch Office
1428 W. Walnut
Rogers, AR 72756
(479) 636-3727

***Benton County Clerk's Branch Office**
707 S. Lincoln, Ste. "C"
Siloam Springs, AR 72761
(479) 238-0120

**(Closed from 12:00 p.m. to 1:00 p.m.)*