Performing Marriage Ceremonies

Authority

- Recalled judges have the authority to perform marriage ceremonies under Fam. Law Art. § 2-406(a)(ii).

- A judge may not knowingly perform a marriage ceremony between individuals who are prohibited from marrying one another because of certain types of preexisting familial relationship as defined by Family Law Art. § 2-202(b)(c). *See* Fam. Law Art. § 2-406(d)(1).

Procedural Requirements

- A judge who has agreed to perform a marriage ceremony shall notify the clerk of the circuit court for the county in which the ceremony is to take place Md. Rule 16-822.

- A judge may not perform a marriage ceremony unless a license has been issued by the clerk for the county in which the marriage is performed. *See* Fam. Law Art. § 2-401(a); Md. Rule 16-823. A judge should not perform a ceremony at a location in a county other than the county from which the couple obtained the license.

- A license is not effective until 6 a.m. on the second calendar day after the license is issued. Fam. Law Art. § 2-405(d)(1). This waiting period can be waived under certain circumstances. *See* Fam. Law Art. § 2-405(d)(2). The license has an effective date and an expiration date on it, and a judge should not perform a ceremony outside of that date range. *See* Fam. Law Art. § 2-406(b).

- The judge may perform the ceremony in the courthouse or elsewhere, at any time; however, ceremonies shall be scheduled so as not to interfere with the judge's duties, and "the use of public resources shall be reasonable and consistent with the security of the courthouse." Md. Rule 16-822. Marriages performed in a courthouse should be performed during regular hours of operation.

- A judge, when agreeing to perform a marriage ceremony, should inform the couple that they must pay an additional fee for the ceremony to be performed by a judge when they apply for their marriage license at the Clerk's Office. *See* Fam. Law Art. § 2-404, § 2-410. Judges do not receive any part of the fee.

- The judge who performs the marriage ceremony shall: (i) hand one marriage certificate to the individuals; and (ii) return, within 5 days from the date of the marriage ceremony, the other marriage certificate to the clerk who issued the license to which the certificates were attached. Fam. Law Art. § 2-409(b)(1).

<u>Payment</u>

- A judge may not receive any fee, remuneration, or gift for performing a marriage ceremony. Fam. Law Art. § 2-410(a)(1); Md. Rule 16-824. However, a judge may accept ordinary social hospitality. Md. Rule 16-813(b)(3).

<u>Performing Wedding Ceremonies outside of Maryland</u>

- Whether a judge may perform a wedding outside of Maryland will depend on the laws of the jurisdiction where the ceremony will take place. Any judge wishing to perform such a ceremony should consult the laws of that jurisdiction prior to conducting the ceremony.

<u>Ceremony</u>

- A judge may participate in performing a ceremony with another person authorized under Maryland law to do so. Md. Rule 16-823(a).

- A judge may not perform his or her own marriage ceremony. Md. Rule 16-824(a).

- A judge may not advertise or solicit individuals contemplating marriage to choose the judge to perform the ceremony. Md. Rule 16-824(c).

- A judge who performs a marriage ceremony shall include substantially the form of ceremony used by the clerk of the circuit court for the county where the marriage is to be performed. If the parties request, and the judge agrees, the ceremony may include reference to matters not typically found in the clerk's ceremony. Md. Rule 16-823(a).

- The form of ceremony for each county can be accessed by clicking on the following links:

  Allegany
  Anne Arundel
  Baltimore
  Baltimore City
  Calvert
  Caroline
  Carroll
  Cecil
  Charles
  Dorchester
  Frederick
  Garrett
  Harford
  Howard
  Kent

[Montgomery](#)
Prince George's
[Queen Anne's](#)
[Somerset](#)
[St. Mary's](#)
[Talbot](#)
[Washington](#)
[Wicomico](#)
[Worcester](#)