IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARELLE LODER; JACK DOE; JANE DOE; and JAMES DOE, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

REESE McKINNEY, JR., Probate Judge of Montgomery County, in his official capacity and as representative of the class of probate judges in the State of Alabama similarly situated,

Defendant.

Civil Action File No.

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CLASS ACTION COMPLAINT

PRELIMINARY STATEMENT

1. This is a class action brought by two couples: Charelle Loder, a United States citizen, and her fiancé, Jack Doe, a Haitian citizen, and Jane Doe, a Mexican citizen, and her fiancé James Doe, a Mexican citizen, on behalf of themselves and a class of all couples unable to obtain a marriage license in Alabama because one or both of its members is undocumented.

2. Plaintiffs Loder and Jack Doe have been in a committed relationship for over five years and have lived together the past four years. They now wish to marry. Plaintiff Jack Doe provides companionship and financial support to his fiancée, a United States citizen, and his family, including the young daughter that he and his fiancée care for. It is important to their religious faiths that the couple marry.

3. Plaintiffs Jane Doe and James Doe have lived together in a committed relationship for ten years and have long desired to be married. They have worked hard to

provide for their two young children who are United States citizens. It is important to their religious faiths that the couple marry.

4. Both couples desire to express their love for and commitment to one another by getting married and obtaining the economic, emotional, and psychological benefits of marriage, including the satisfaction that would come from obeying their religions' tenets concerning marriage.

5. The right to marry is a fundamental right guaranteed under the United States Constitution to *all* persons regardless of immigration status. The Plaintiffs in this case, along with the class they represent, cannot exercise their fundamental right to marry solely because they, or their desired spouse, are undocumented immigrants.

6. Defendant McKinney, Jr., acting as the Probate Judge of Montgomery County, has adopted, and implements and enforces, a policy that categorically denies a marriage license to any couple where one or both of its members is undocumented. Defendant's policy requires non-citizens of the United States who are seeking to obtain a marriage license to provide proof of their legal presence in the United States through a green card, visa, or similar immigration document. Defendant's policy also requires all applicants to provide a Social Security card in order to obtain a marriage license – a requirement that undocumented persons cannot satisfy. Defendant's policy acts to bar all undocumented persons, including Plaintiffs Jack Doe, Jane Doe, and James Doe, from obtaining a marriage license in Montgomery County. Moreover, Defendant's policy acts to bar Plaintiff Loder, a United States citizen, and all similarly situated persons, from marrying the person she loves solely because her fiancé is an undocumented immigrant.

7. Defendant's policy is not required by any federal or state law, including the recently passed law known as "HB 56", and indeed, conflicts with guidance issued by Alabama's Attorney General.

8. Defendant McKinney, Jr.'s policy is indicative of the policies and practices of 40 other probate judges in Alabama that purposefully or effectively prohibit undocumented immigrants or persons whose intended spouse is undocumented from obtaining a marriage license. Defendant McKinney, Jr.'s policy, and similar policies of the class of probate judges in which he is sought to represent, directly interferes with Plaintiffs' fundamental right to marry and right to equal protection under the law, as guaranteed under the United States Constitution. This litigation is brought pursuant to 42 U.S.C. § 1983. Plaintiffs seek declaratory and injunctive relief, and costs and attorneys' fees and expenses as provided under 42 U.S.C. § 1988.

PARTIES

Named Plaintiffs/Class Representatives

9. Plaintiff **Charelle Loder** ("Ms. Loder") is a citizen of the United States and is currently a resident of Alabama. Ms. Loder is 27 years old, not currently married, and wholly unrelated to her fiancé, Jack Doe, by blood. Ms. Loder has an original Social Security card, an Alabama birth certificate, and an Alabama Non-Driver Identification card. She meets all the lawful requirements under Alabama law to be issued a marriage license. Plaintiff Loder sues on her own behalf and on behalf of those similarly situated.

10. Plaintiff **Jack Doe** is a Haitian national who currently lives in Alabama. He is 29 years old, not currently married, and wholly unrelated to his fiancée, Charelle Loder, by blood. Jack Doe and Charelle Loder have lived together in Alabama in a committed relationship since 2006. Jack Doe does not have a Social Security number and cannot show proof of his legal

presence in this country. He is ineligible to receive a marriage license in Montgomery County because he does not have proof of his legal presence in the United States and does not have a Social Security card due to his immigration status.

11. Jack Doe does have several forms of identification, including a Haitian birth certificate, an Alabama Resident Identification Card, and other identification issued by the Haitian government. He meets all the lawful requirements under Alabama law to be issued a marriage license. Plaintiff Jack Doe sues on his own behalf and on behalf of those similarly situated.

12. Plaintiff **Jane Doe** is a Mexican national who currently lives in Alabama. She is 27 years old, not currently married, and wholly unrelated to her fiancé, James Doe, by blood. Jane Doe has lived in Alabama with her fiancé, James Doe, since 2001. Jane Doe does not have a Social Security number and cannot show proof of her legal presence in this country. She is ineligible to receive a marriage license in Montgomery County because she does not have proof of her legal presence in the United States and does not have a Social Security card due to her immigration status.

13. Jane Doe does have several forms of identification, including a Mexican passport, birth certificate, a Mexican Consulate Identification Card, an Alabama Resident Identification Card, and other identification issued by the Mexican government. Plaintiff Jane Doe meets all the lawful requirements under Alabama law to be issued a marriage license. Plaintiff Jane Doe sues on her own behalf and on behalf of those similarly situated.

14. Plaintiff **James Doe** is a Mexican national who currently lives in Alabama. He is 28 years old, not currently married, and wholly unrelated to his fiancée, Jane Doe, by blood. James Doe does not have a Social Security number and cannot show proof of his legal presence

in this country. He is ineligible to receive a marriage license in Montgomery County because he does not have a proof of his legal presence in the United States and does not have a Social Security card due to his immigration status.

15. James Doe has several forms of identification, including a Mexican passport, Mexican Consulate Identification Card, Alabama Resident Identification Card, birth certificate, and picture identification issued by the Mexican government. Plaintiff James Doe meets all the lawful requirements under Alabama law to be issued a marriage license. Plaintiff James Doe sues on his own behalf and on behalf of those similarly situated.

Named Defendant/Class Representative

16. Defendant **Reese McKinney, Jr.** is the Probate Judge of Montgomery County. In that position, he is responsible for, among other things, the issuance of marriage licenses. Ala. Code §§ 30-1-9, 22-9A-17(b). He maintains an office at the Montgomery County Courthouse Annex I, 100 South Lawrence Street, Montgomery, Alabama. Defendant McKinney, Jr. is sued in his official capacity and as a representative of a class of all probate judges in Alabama with a policy that has the effect of categorically denying marriage licenses to a couple, where one or both of the individuals is undocumented.

17. Prior to filing this suit, a representative for Plaintiffs called probate offices in Alabama to inquire whether a person who does not have a Social Security card or proof of his lawful presence in the United States could obtain a marriage license.

18. At the time of the filing this Complaint, Plaintiffs are aware of 41 counties, including Montgomery County, that are enforcing an unlawful policy or practice prohibiting marriage licenses to couples where one or both of its members is undocumented.

JURISDICTION AND VENUE

19. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the U.S. Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343 because this action seeks to redress the deprivation, under color of state law, of Plaintiffs' civil rights and to secure equitable or other relief for the violation of those rights.

20. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Federal Rule of Civil Procedure Rule 57.

21. This Court has personal jurisdiction over the Defendant who is located in the Middle District of Alabama.

22. Venue is proper in the Middle District of Alabama pursuant to 28 U.S.C. § 1391(b) in that Defendant McKinney, Jr. resides within the Middle District of Alabama, and "a substantial part of the events or omissions giving rise to the claim[s] occurred" within this District and Division, including the enforcement of the unlawful policy and practice that are the subject of this lawsuit.

CLASS ACTION ALLEGATIONS

Plaintiff Class Allegations

23. Plaintiffs Loder, Jack Doe, Jane Doe, and James Doe (collectively "Named Plaintiffs") bring this suit on their own behalf and on behalf of all persons in Alabama that desire to obtain a marriage license, where the person or the person's intended spouse is undocumented.

24. Numerosity: The proposed class is so numerous and geographically dispersed that joinder of all members of this class is impracticable. Although the precise size of the class cannot be determined at this time, statistical evidence shows that the class is so numerous that

joinder of all members is impracticable. Alabama is home to an estimated 100,000 – 200,000 immigrants without lawful status. Pew Hispanic Center, *A Portrait of Unauthorized Immigrants in the United States*, April 14, 2009, at 13, http://pewhispanic.org/files/reports/107.pdf. The class also includes future members whose names are not known pursuant to Fed. R. Civ. P. 23(a)(1).

25. Commonality: There are questions of law and fact common to all plaintiff class members, including whether a policy or practice that has the purpose or effect of categorically denying marriage licenses to couples where one or both of its members is undocumented violates the plaintiff class members' fundamental right to marry as guaranteed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and violates the plaintiff class members' rights to Equal Protection as guaranteed by the Fourteenth Amendment to the United States Constitution.

26. Typicality: The claims asserted by the Named Plaintiffs are typical of the claims of all members of the proposed plaintiff class because the policies and practices challenged in this action apply with the same force to the Named Plaintiffs as they do to all other members of the class. The entire plaintiff class will benefit from the relief sought.

27. Adequacy of Representation: The Named Plaintiffs will fairly and adequately protect the interests of the class. Both couples serving as class representatives possess a strong personal interest in the subject matter of this lawsuit and the claims raised. They are represented by experienced counsel with expertise in class action litigation and litigation involving the constitutional rights of immigrants. Counsel has the legal knowledge and resources to fairly and adequately represent the interests of all class members in this action.

28. This case may be maintained as a class action under Rule 23(b)(2) because in enforcing policies that have the effect or purpose of categorically denying marriage licenses to couples where one or both of the parties is undocumented, the Defendant has acted and refused to act on grounds generally applicable to the class. Accordingly, final injunctive and declaratory relief is appropriate to the class as a whole.

Defendant Class Allegations

29. Plaintiffs also bring this action as a defendant class action under Fed. R. Civ. P. 23(b)(2). Plaintiffs seek to certify a defendant class represented by Defendant McKinney, Jr. in his official capacity as Probate Judge of Montgomery County. The proposed defendant class consists of all Alabama probate judges whose policy or practices have the purpose or effect of categorically denying marriage licenses to couples where one or both of them are undocumented.

30. Numerosity: The number and geographic dispersion of defendant class members makes their joinder impractical. The proposed class includes probate judges from approximately 41 of Alabama's 67 counties whose offices confirmed via telephone that it is their policy and/or practice to deny a marriage license to persons who are undocumented pursuant to a requirement that applicants provide proof of legal status, or pursuant to a requirement that applicants provide Social Security cards without exception. Members of the proposed defendant class are located throughout the State of Alabama, with some members in each of the three federal judicial districts in Alabama.

31. Commonality: This suit poses questions of law and fact that are common to the proposed defendant class representative, Defendant McKinney, Jr., and the proposed class members that he would represent. These include whether a policy or practice that has the purpose or effect of categorically denying marriage licenses to couples where one or both of its

members is undocumented violates the plaintiff class members' fundamental right to marry as guaranteed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and whether such a policy or practice violates the plaintiff class members' rights to Equal Protection as guaranteed by the Fourteenth Amendment to the United States Constitution..

32. Typicality: The defenses of Defendant McKinney, Jr. will be typical of the defenses of the proposed defendant class. Defendant McKinney, Jr., and all of the other members of the proposed class operate under the same state statutory framework. As a probate judge in Alabama, Defendant McKinney, Jr., is responsible for the issuance of marriage licenses. Ala. Code §§ 30-1-9, 22-9A-17(b). In this action challenging whether a policy or practice that has the purpose or effect of categorically denying marriage licenses to couples where one or both of its members is undocumented, the defenses asserted by Defendant McKinney, Jr. will be based on legal and factual theories that are applicable to the entire proposed defendant class.

33. Adequacy of Representation: Defendant McKinney, Jr. will fairly and adequately protect the interests of the proposed defendant class. His position as the Probate Judge of Montgomery County places him in the same position with respect to this challenge as all of the other probate judges in the proposed defendant class. Because the policy and practice of Defendant McKinney, Jr. with respect to the issuance of marriage licenses to undocumented persons are substantially the same as the other 40 probate judges in Alabama who fall within the proposed defendant class, Defendant McKinney, Jr. will be able to adequately represent the proposed class. On information and belief, Defendant McKinney, Jr. has no interests antagonistic to or in conflict with the interests of other members of the proposed class, and as Probate Judge of Montgomery County, he is qualified and competent to represent the proposed defendant class.

FACTS

Issuance of Marriage Licenses in Alabama

34. In Alabama, no person may marry without a license. Ala. Code § 30-1-9.

35. The requirements for marriage licenses are set forth in chapter 1 of title 30 in the Alabama Code. The only restrictions set forth in this chapter are for persons under the age of 16, Ala. Code § 30-1-4, and for persons under the age of 18 whose parents or guardians do not consent. Ala. Code § 30-1-5.

36. Alabama Code § 22-9A-17 requires the probate judge to prepare and forward a completed marriage license form to the Bureau of Vital Statistics. The probate judge shall complete it "upon the basis of information obtained from the parties to be married." Ala. Code § 22-9A-17(b). There is no requirement that identification be submitted or that the information on the form be verified.

37. A probate judge's issuance of a marriage license is a ministerial, not judicial, act.

38. Alabama law does not condition issuance of a marriage license upon proof of legal residency or any other proof of immigration status. Neither the Code of Alabama nor the Alabama Constitution requires marriage license applicants to provide proof of legal presence in the United States to secure a marriage license.

39. The Alabama Attorney General has explicitly stated that "a marriage license can be issued to an applicant who is not a United States citizen." Opinion of the Attorney General to the Honorable Pam Wilson, Acting Judge of Probate, Fort Payne, Alabama, dated July 13, 2004, No. 2004-176, 2004 Ala. AG LEXIS 125.

40. No provision of the Code of Alabama or the Alabama Constitution requires marriage license applicants to provide proof of their legal presence in the United States in order to secure a marriage license.

41. Alabama Code § 30-3-194(c) states that "the Social Security number of both parties to the marriage shall be collected by those parties issuing a marriage license and shall appear on the license and certificate sent to the Office of Vital Statistics." Ala. Code § 30-3-194(c).

42. In 2008, the Alabama Attorney General issued an opinion that addressed whether a Social Security number is a required element for a person to receive a marriage license. The Office of the Attorney General concluded that a "social security number is not a required element for a person to receive a marriage license." Opinion of the Attorney General to the Honorable Luke Cooley, Houston County Judge of Probate, dated June 25, 2008, No. 2008-100, 2008 Ala. AG LEXIS 70. The Attorney General's Office instructed probate offices to allow persons without a Social Security number to submit an affidavit to the probate office attesting to the fact that he or she was never issued a Social Security number. *Id.* at *11.

Obtaining a Marriage License in Montgomery County

43. The Montgomery County Probate Office lists the requirements to obtain a marriage license on its website, which are appended to this Complaint as Exhibit A and incorporated herein.

44. Under the heading, "Requirements For Persons 18 years or older," the website reads: "Non-citizens of the United States must provide proof of legal presence in the United States in the form of valid immigration documents or passport." Marriage Licenses, http://www.mc-ala.org/ElectedOfficials/ProbateJudge/ProbateDivisions/Licenses/Pages/Marriag

eLicenses.aspx (last accessed November 17, 2011). The website continues,

> Each applicant must provide one of the following:
>
> 1. An official Picture ID (passport, military ID, State issued ID, Driver's License).
> 2. An original certified copy of the state issued birth certificate (hospital copy not acceptable) and original social security card.
> 3. U. S. Government issued Immigration Services Picture ID Card (green card, visa, alien resident card, etc.).

45. Plaintiffs Jack Doe, Jane Doe, and James Doe are non-citizens of the United States and cannot satisfy Defendant's requirements to obtain a marriage license in Montgomery County because they do not have proof of their legal presence or a Social Security card.

46. Without a validly issued marriage license, Plaintiffs cannot marry their desired spouse.

Plaintiffs' Intent to Marry

47. Plaintiffs Loder and Jack Doe have lived together for over four years in a committed relationship. With the money he earns working odd jobs, Jack Doe helps to pay the rent and utilities at their home. He also helps to pay for the clothes and basic needs of Plaintiff Loder's nine-year-old daughter.

48. Although Plaintiffs Loder and Jack Doe understand that their marriage will not entitle Jack Doe to immediate legal status in the United States, Defendant's unlawful policy – and similar policies by probate judges state-wide – effectively acts to bar Plaintiffs Loder and Jack Doe from petitioning for legal status for Jack Doe as a spouse of a United States citizen. But for Defendant's unlawful policy and practice, Plaintiffs Loder and Jack Doe would obtain a marriage license from Montgomery County and get married.

49. Plaintiffs Jane Doe and James Doe have lived together for ten years in a committed relationship. James Doe works construction and Jane Doe has worked in the

restaurant industry. Together, they are raising their two young children. But for Defendant's unlawful policy and practice, Plaintiffs Jane Doe and James Doe would obtain a marriage license from Montgomery County and get married.

50. The Named Plaintiffs want to express their love for and commitment to their desired spouse by getting married and obtaining official sanction for their family from the State. The Named Plaintiffs are also anxious to marry to solemnize their relationship and to obtain the economic, emotional, and psychological benefits for their family that inure from marriage.

51. Any attempt by the Named Plaintiffs to obtain a marriage license in Montgomery County, and in the vast majority of counties in Alabama, would be futile.

52. Defendant's policy and practice requiring that Jack Doe, Jane Doe, and James Doe provide proof of their legal presence and provide a Social Security card, a requirement that they cannot possibly meet because they are undocumented, denies the Named Plaintiffs their fundamental right to marry in violation of the Due Process Clause and their right to Equal Protection under the United States Constitution.

FIRST CAUSE OF ACTION

Fourteenth Amendment Substantive Due Process Clause; 42 U.S.C. § 1983

(Plaintiffs, and those similarly situated, against Defendant, and those similarly situated)

53. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

54. By requiring Plaintiffs Jack, Jane, and James Doe and other members of the class who are not United States citizens to present proof of their legal presence in the United States and/or a Social Security card, Defendant McKinney, Jr. and defendant class members

substantially and directly interferes with Plaintiffs' and other class members' fundamental right to marry.

55. The policies of Defendant McKinney, Jr. and defendant class members absolutely prevent non-U.S. citizens, such as Jack Doe, Jane Doe, James Doe, and other plaintiff class members who are undocumented, from getting married.

56. Defendant McKinney, Jr.'s policy and defendant class members' similar policies absolutely prevent persons such as Charelle Loder and other plaintiff class members, from marrying non-U.S. citizens who are undocumented.

57. Defendant McKinney, Jr.'s policy, and defendant class members' similar policies, is not narrowly tailored to achieve a compelling government interest, and cannot meet any level of scrutiny.

58. The policy adopted by Defendant McKinney, Jr., and similar policies adopted by the defendant class members, violates Plaintiffs' and class members' constitutional right to due process under the Fourteenth Amendments to the United States Constitution.

59. Plaintiffs move for relief on this claim under 42 U.S.C. § 1983 as an action seeking to redress the deprivation of statutory rights under the color of law.

60. Plaintiffs, and the class they seek to represent, are entitled to declaratory relief, pursuant to 28 U.S.C. §§ 2201 and 2202, and injunctive relief against Defendant McKinney, Jr., and the defendant class members.

SECOND CAUSE OF ACTION

Fourteenth Amendment Equal Protection Clause;
42 U.S.C. § 1983

(Plaintiffs, and those similarly situated, against Defendant, and those similarly situated)

61. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

62. The policies adopted, implemented, and enforced by Defendant McKinney, Jr. and defendant class members require a non-U.S. citizen who applies for a marriage license to produce proof of his/her legal presence in the United States and/or Social Security card as a condition of obtaining a marriage license.

63. These policies deny undocumented persons like Jack Doe, Jane Doe, and James Doe and other plaintiff class members, of the equal protection of laws in that it deprives them of the fundamental right to marry solely because of their alienage.

64. Defendant's policy, and the similar policies of the defendant class members, denies persons like Charelle Loder, and other plaintiff class members, their right to equal protection of laws in that it deprives them of the fundamental right to marry solely because of the alienage of their intended spouse.

65. The policy adopted by Defendant McKinney, Jr., and the similar policies of the defendant class members, is not narrowly tailored to achieve a compelling state-government interest, and cannot meet any level of scrutiny.

66. The policy adopted by Defendant McKinney, Jr., and the similar policies of the defendant class members, violates Plaintiffs' and plaintiff class members' constitutional right to equal protection of the law in violation of the Fourteenth Amendment to the United States Constitution.

67. Plaintiffs move for relief on this claim directly under the Constitution and pursuant to 42 U.S.C. § 1983 as an action seeking to redress the deprivation of statutory rights under the color of state law.

68. Plaintiffs, and the class they seek to represent, are entitled to declaratory relief, pursuant to 28 U.S.C. §§ 2201 and 2202, and injunctive relief against Defendant McKinney, Jr., and the defendant class members.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing, Plaintiffs respectfully request that the Court:

(a) Assume jurisdiction over this matter;

(b) Certify this case as a bilateral class action pursuant to Fed. R. Civ. P. 23; including certifying a Rule 23(b)(2) plaintiff class consisting of all persons in Alabama who desire to obtain a marriage license, where the person or the person's intended spouse is undocumented; and a Rule 23(b)(2) defendant class, to be represented by Defendant McKinney, Jr., and consisting of all probate judges in Alabama whose policy or practice has the purpose or effect of categorically denying a marriage license to a couple where one or both of its members is undocumented;

(c) Declare, pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983, that Defendant's policy, and the policies of the defendant class members, requiring non-U.S. citizens to provide proof of their legal presence in the United States and/or to provide a Social Security card in order to obtain a marriage license is void and unenforceable because it violates the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment;

(d) Enjoin Defendant, and the defendant class members, from enforcing any regulation, policy, or practice that hinders the ability of individuals to enter into

marriage solely because one or both of the persons who desire to marry lacks legal presence in the United States;

(e) Grant Plaintiffs' costs of suit, and reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988; and

(f) Grant such other relief as the Court deems just and proper.

Dated: November 17, 2011

Respectfully submitted,

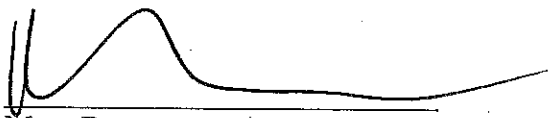

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EXHIBIT A

Licenses

Business Licenses

Drivers Licenses

Marriage Licenses

Hunting & Fishing

Marriage Licenses

The following information is provided for persons interested in obtaining a marriage license in Montgomery County. Requirements/Fees/Information may differ in other counties in Alabama. Divorce records are not maintained in this office.

Download Marriage License Application

General Information

Licenses are issued Monday through Friday between the hours of 8:00 am and 5:00 pm at the Montgomery County Courthouse Annex III, 101 S. Lawrence St, 2nd Floor.

- Directions to Annex III
- Legal age to marry without parental consent is 18. Individuals who are 16 & 17 years old must meet requirements listed below.
- Both parties must be present to apply for a license (no blood test required). No waiting period after license is issued.
- License is $40.00 and must be used within 30 days from the date of issuance.
- The license is valid for marriages performed in any county in Alabama. It may not be used out of state.
- Applicants divorced less than 60 days may not purchase a marriage license unless he/she is marrying his/her former spouse
- Payments accepted: Cash, Visa, Mastercard, or local check

Courthouse Ceremonies

- **By appointment only** on Monday, Wednesday, and Friday afternoons between 12:00 pm and 4:30 pm. Call 334-832-1235 for an appointment. Appointments are not taken more than one month in advance.
- The ceremony will be performed in a small multi-purpose room on the 2nd floor. No music or decorations allowed. Discretion is requested as this is a workplace environment.
- The total number of guests who may attend is eight (8). Witnesses are not required.
- Total cost is $72.50

- Forms of Payment:
  - $25.00 - CASH must be paid to Magistrate
  - $47.50 - CASH, CHECK, VISA OR MASTERCARD
  - Bills larger than $50 cannot be accepted

Requirements For Persons 18 years or older

Non-citizens of the United States must provide proof of legal presence in the United States in the form of valid immigration documents or passport.

Each applicant must provide one of the following:

1. An official Picture ID (passport, military ID, State issued ID, Driver's License).
2. An original certified copy of the state issued birth certificate (hospital copy not acceptable) and original social security card.
3. U. S. Government issued Immigration Services Picture ID Card (green card, visa, alien resident card, etc.).

Requirements For Persons 16 or 17 years of age

At least one parent must be a legal resident of Montgomery County (proof of residency is required). All requirements listed below must be met:

1. Once residency is established, both parents must be present, or the custodial parent must provide a **certified** copy of the divorce or legal document that grants **care, custody, and control** to the custodial parent (subject to review and decision by Licensing Authority).
2. An original certified copy of the state issued birth certificate for the minor.
3. Official picture identification for minor and each parent or legal guardian.

Montgomery County Marriage Records

101 S. Lawrence Street, 2nd Floor
Montgomery, AL 36104
334-832-1235

1. Montgomery County marriage license indexes from approximately 1975 to present are available on our website. Records prior to 1975 are being added; however, not all older records are available on line at this time.

- If you are searching for a pre-1975 license that is not listed in our index, contact our recording section at 334-832-1239.
- Records that are listed but contain only a book & page number and "M" as the supplement number must be researched further through the Recording Section. Call 334-832-1236.

2. A certified copy of a marriage certificate issed in Montgomery County may be obtained in person or by mail. The cost is $2.00 per copy.

Additional Contact Information

Montgomery County Divorce Records
1111 Air Base Blvd.
Montgomery, AL 36108
334-240-7381
www.adph.org

State of Alabama, Center for Health Statistics
(marriage records for counties other than Montgomery County, birth records, and death records)
3060 Mobile Hwy,

Montgomery, AL 36108
334-206-5418
www.adph.org