



CHUCK STOREY

Imperial County Clerk/Recorder
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INABILITY TO APPEAR

As pursuant to Sections 422-425 of the California Family Code and as adopted by the Imperial County Clerk:

If, for an acceptable reason, either or both of the parties to be married are physically unable to appear in person before the County Clerk, the County Clerk may issue a marriage license to the person solemnizing the marriage.

NOTE: *Acceptable reason includes proof of hospitalization, incarceration, or any other reason proved to the satisfaction of the County Clerk (FC Section 426(d) or 502).*

The County Clerk may issue a marriage license to the person solemnizing the marriage if the following requirements are met:

- a. The person solemnizing the marriage shall obtain, from the Imperial County Clerk, and complete an affidavit explaining the reason for the inability to appear.
- b. The completed affidavit is signed under the penalty of perjury by both parties to be married and by the person who will solemnize the marriage. All signatures shall be verified and acknowledged by a notary public or a court order.
- c. After payment of the required fees, the County Clerk will issue the marriage license to the person solemnizing the marriage.
- d. Proof of Hospitalization or Incarceration or any other reason for the inability to appear will be provided on letterhead from the establishment naming that person and his/her reason for their inability to appear.
- e. The solemnizer at the time the marriage license is purchased shall receive a packet of information to be given to the couple per CA Family Code Section 358.

The person solemnizing the marriage shall, sign and print or type upon the marriage license a statement, in the form prescribed by the State Department of Public Health, showing all of the following:

- (a) The fact, date (month, day, year), and place (city and county) of solemnization.
- (b) The printed names, signatures, and mailing addresses of at least one, and no more than two, witnesses to the ceremony.
- (c) The official position of the person solemnizing the marriage, or of the denomination of which that person solemnizing the marriage, or of the denomination of which that person is a priest, minister, rabbi, or other authorized person of any religious denomination.

- (d) The person solemnizing the marriage shall also type or print his or her name and mailing address.

The person solemnizing the marriage shall return the marriage license, endorsed as required in Section 422, to the Imperial County Clerk/Recorder **within 10 (ten) days** after the ceremony.

No wedding ceremonies shall be performed by any member of the staff of the Imperial County Clerk/Recorder's office in which either party to be married was unable to appear in the Imperial County Clerk/Recorder's office.

The solemnizer, in order to prevent delays in issuing the license, shall check the marriage license application

upon completion of the couples application. All areas should be completed per the instructions. At the bottom of the application, a phone number and ID information along with the expiration date of the ID should be entered for the person who is not incarcerated or hospitalized.

Information for Person Solemnizing an "Inability to Appear" marriage.

In order for the County Clerk to issue, a marriage license of an inability to appear the following is the paperwork the marriage solemnizer will have to present to the County Clerk in order to obtain the marriage license.

- **MARRIAGE LICENSE APPLICATION**

The marriage Officiant / solemnizer is responsible for assuring the marriage license application fields are filled out completely and correctly, including the contact information for the applicants **and ID information under the section "Official Use Only"**. The address for the detained/incarcerated person must not be the address of the Jail, Detention Center or State Prison. Instructions on how to complete the marriage license can be found on the back of the form.

- **AFFIDAVIT OF INABILITY TO APPEAR**

Complete the "Affidavit of Inability to Appear" and have all the signatures notarized/acknowledged by a notary public.

- **PROOF OF INABILITY TO APPEAR**

Include the proof of Hospitalization or Incarceration or any other reason for the person who is unable to appear. The paperwork must be from the establishment naming that individual and his/her reason for their inability to appear before the County Clerk.

- **PROVIDE THE INFORMATION PACKET TO THE COUPLE**

The packet of information is required to be given to the couple by the California Family Code Section 358. The solemnizer should pick up the packet at the time they purchase the marriage license.