

**IN THE COURT OF COMMON PLEAS OF ASHLAND COUNTY, OHIO
PROBATE DIVISION**

**Marriage License Procedure for Incarcerated Applicant or Person who
Physically cannot come to the Courthouse to make a marriage license
application**

The Ashland County Probate Court requires that all applicants for marriage licenses personally appear before a Deputy Clerk to obtain the license. When a person physically cannot appear before the Court to make the license application, the Court will permit the appointment of an attorney as a "Special Commissioner" to make the license application on behalf of the person who cannot appear in person. It is the responsibility of the person who cannot appear in person to retain an attorney to perform the legal services described below. The Court cannot appoint an attorney for this purpose, even if the person who cannot physically appear is indigent. Please review the procedure listed below. All references to "person" below are for the person who cannot appear physically at the Courthouse to obtain a marriage license.

- A. The Attorney will prepare an Affidavit for the person to sign, a motion on behalf of the person requesting that the attorney be appointed as Special Commissioner, and a proposed Judgment Entry for the Court to sign, if approved.
- B. The affidavit of the person must be a sworn statement of all information that an applicant must provide to the Court when making a marriage license application, including statements of:
1. identifying information for the person (name, date of birth, social security number, place of birth and current place of residence);
 2. name of the father of the person;
 3. name of mother of the person (including maiden name if different);
 4. previous marriages of the person and how they ended, if there are previous marriages;
 5. description of the current occupation of the person, if any;
 6. the names and ages of any minor children of the person; and
 7. description of the reason the person cannot appear in person to make the application for a marriage license.

Please note: when completing the information in the affidavit, the Court will need supporting documentation if:

- the last names of the person and his/her father are different - the Court will need a copy of the person's birth certificate.
- the person has been divorced - the Court will need a copy of the divorce decree for each divorce the person has had.

- the person is widowed - the Court will need a copy of the death certificate of the deceased spouse
- C. After all of the documents have been drafted and signed, the attorney then files the affidavit, motion and proposed Judgment Entry with the Court.
 - D. If the Court grants the motion and appoints the attorney as Special Commissioner, the Attorney/Special Commissioner must contact the other applicant and make arrangements for the two of them to come to the Probate Court together, to make the marriage license application. The fee for the marriage license is payable when the application is made.
 - E. Once the marriage license application has been made, two copies of the application will be printed – one for the available applicant to sign at the Courthouse – the second copy will be given to the Attorney/Special Commissioner. The Attorney/Special Commissioner will then have to obtain the signature of the person who could not appear and witness that person's signature on the application.
 - F. The Attorney/Special Commissioner will then return the application to the Court for recording.
 - G. The Court will then call the available applicant and request that the available applicant come to the Courthouse to pick up the license.