



# County Technical Assistance Service

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## Issuance of the License

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Issuance of the License

**Reference Number:** CTAS-425

County clerks, and deputy county clerks, are authorized to issue a marriage license only upon the following conditions:

1. **Written Application.** Each of the parties must appear and make application in writing, stating the names, ages and addresses of the proposed contracting parties, and the names and addresses of the parents, guardian or next of kin of both parties. The application must be sworn to by both applicants. T.C.A. § 36-3-104. [Sample Marriage License application.](#)

2. **Social Security Number.** Under T.C.A. § 36-3-104, applicants are required to provide their social security numbers on the application for a marriage license. However, the statute does not require that an applicant have a social security number to qualify for a marriage license, so applicants who have not been issued a social security number are not required to provide one in order to obtain a marriage license. Op. Tenn. Att’y Gen. 08-126 (July 22, 2008). For opinions of the Attorney General discussing the collection and disclosure of social security numbers, see Ops. Tenn. Att’y Gen. 98-065 (March 17, 1998), 99-132 (July 7, 1999), 02-003 (January 2, 2002), and 02-016 (February 6, 2002).

3. **Appearance by Affidavit (incarcerated, disabled, or deployed military applicants).** If either individual is incarcerated at the time, the inmate is not required to appear but may instead submit a notarized statement containing the name, age, current address, and the name and address of the person’s parents, guardian or next of kin. If either individual has a disability which prevents the person from appearing, that person may submit a notarized statement containing the name, age, current address, and the name and address of the person’s parents, guardian or next of kin. T.C.A. § 36-3-104. [Sample affidavit \(disability\)](#) [Sample affidavit \(incarcerated\)](#)

If an applicant is a member of the armed forces of the United States stationed in another country in support of combat or another military operation, the applicant shall submit: (a) a notarized statement containing the applicant’s name, age, address in the United States, if applicable, and the names and addresses of the applicant’s parents, guardian, or next of kin; (b) a certified copy of the applicant’s deployment orders; and (c) an affidavit from the battalion, ship, or squadron commander, as applicable, notarized by the judge advocate stating that the applicant is deployed. If the applicant intends to appear for the marriage ceremony via video conferencing pursuant to T.C.A. § 36-3-302, the applicant must indicate that intention in the statement. T.C.A. § 36-3-104. [Sample affidavit \(military\)](#)

4. **Parental Consent.** In addition to the requirements set out above, T.C.A. § 36-3-106 provides that if either applicant is under 18 years of age, the parents, next of kin, guardian, or person having custody of the applicant are required to join in the application, under oath, stating that the applicant is 17 years of age or over and that the applicant has their consent to marry. The term “parent” or “parents” is defined in T.C.A. § 36-3-106 to mean a person or persons listed as a parent on the child’s birth certificate or who have been adjudicated to be the legal parent of the child by a court of competent jurisdiction. If the applicant is in the legal custody of any public or private agency or in the legal custody of any person other than a parent, guardian or next of kin, then such person or the duly authorized representative of such agency must join in the application with the parent, guardian or next of kin, stating under oath that the applicant is 16 years of age or older but less than 18 years of age and that the applicant has their consent to marry. This provision does not apply to applicants who are in the custody of the department of mental health or the department of intellectual and developmental disabilities. T.C.A. § 36-3-106. The parents may join in the application by submitting a sworn affidavit as authorized under T.C.A. § 36-3-104(b)(3). [2018 Sample Affidavit \(Parent/Guardian/Next-of-Kin\)](#) Parental consent is not required if the minor has been emancipated. T.C.A. § 36-3-106.

The law does not prescribe a particular form for the application, as long as the required information is obtained. The application may, but is not required to, contain a space to be completed by the county clerk as a permanent public record showing that the marriage was solemnized.

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