

## State of Alabama

### Probate Court Guidelines for Amending an Alabama Marriage Certificate

The following guidelines are offered to assist your staff when processing amended marriage certificates pursuant to Alabama Act 2019-340 effective August 29, 2019 and the Alabama Attorney General's opinion dated May 18, 2022.

1. A form is available for your office to use when a couple wants to amend their marriage certificate. The form is one page and the heading is **Amendment to Alabama Marriage Certificate and Decree of Correction**. This form is very similar to the Alabama Marriage Certificate form. The marriage certificate law that went into effect on August 29, 2019 specifically sets out certain information that must be contained on an amended form. The form has been developed to contain the information mandated by Act 2019-340.
2. It is preferred that an amended marriage certificate be filed in the same county that the original certificate was filed. However, the marriage law does not address this. Therefore, a probate office should receive and record an amended certificate even if the original has not been filed there.
3. Act 2019-340 mandates that a **“one-page decree of correction”** be forwarded to the Alabama Department of Public Health's Center for Health Statistics. **Amendments with more than one page will not be filed by the Center for Health Statistics.** This form should be printed by the marriage parties or by the probate court on one page (front side only) of 8.5 x 11 inch white or light paper. The form should be printed as actual size, not “fit to page” or another modified size. **A paper version is not available for ordering from the Center for Health Statistics.**
4. All of the blanks on the **Amendment to Alabama Marriage Certificate and Decree of Correction** must be completed.

**It will be helpful to have a copy of the amendment form as you read through the statements below.**

5. **Block 1:** The first two blanks ask for the full names of the two parties amending their marriage certificate. These should be the parties' names exactly as they appear on the original marriage certificate. The next blank line should be the date on which the original marriage certificate was filed/received in the probate office. The fourth blank is for the county in which the original certificate was filed/recorded. The last blanks ask for the book/page/instrument number of the original certificate.

The information in **Block 1** is necessary for the original recording court and the Center for Health Statistics to identify and locate the original certificate that is being amended.

**Block 2:** This block provides a statement of agreement between the parties that one or more errors have been made on the original Marriage Certificate that require correction. No information is necessary in this block.

**Block 3:** This space is provided to state the error(s) on the original marriage certificate.

**Block 4:** This space is provided for the corrected information.

**Blocks 5 and 6:** Spouse 1 should print his/her current full legal name in **Block 5**. Spouse 2 should print his/her current full legal name in **Block 6**.

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**Blocks 7-12:** These spaces are identical to the original certificate, 2023 revision. There are lines for the spouses to sign their current full legal names, and spaces for the Alabama notary seals and notary signatures. A form notarized by a non-Alabama notary shall not be accepted. **The law requires both parties to sign the amendment.** If both spouses cannot agree on the corrections or one of the spouses cannot sign the form, either spouse can file a petition for correction with the circuit court.

**BLOCKS 13-15 ARE FOR COURT USE ONLY.**

**Block 13:** This space is to document the date the amended certificate is filed/received by your office.

**Block 14:** This space is to document the book/page/instrument number where this amended certificate will be filed/recorded.

**Block 15:** This space is to document the county where the amended certificate is filed/recorded.

**Blocks 16-17:** These spaces are for one or both spouses to provide their current contact information. This information will not appear on certified copies issued by the Center for Health Statistics (see #7 below).

6. The court's recording stamp should be placed at the top of the form on either side of the title, "Amendment to Alabama Marriage Certificate and Decree of Correction." Be sure your recording stamp identifies your county. If you do not affix a recording stamp to the form, you must **handwrite** your county in **Block 15** or place an identifying stamp in that block. You must also complete **Block 14** – Book/Page/Instrument Number – if your recording stamp does not include that information or you do not affix a recording stamp.
7. Some probate courts currently provide the presenting party with a certified copy of the recorded amended marriage certificate for the couple's records. **You must submit the original Amendment to Alabama Marriage Certificate and Decree of Correction** to the Alabama Department of Public Health, Center for Health Statistics.
8. If someone wishes to amend their marriage certificate due to an erroneous Social Security Number, you can inform them there is no need to go through the correction process, as the Social Security Number has no effect on the marriage certificate. As you recall, the Social Security Number is required by law to be collected by the Department of Health, Center for Health Statistics, and they use it for purposes unrelated to the marriage certificate.
9. The fee for filing an amendment shall be the same as for an original filing.