

JOHN H. MERRILL
SECRETARY OF STATE

ALABAMA STATE CAPITOL
MONTGOMERY, AL 36130

STATE OF ALABAMA

I, John H. Merrill, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that the page hereto attached contain a true, accurate, and literal copy of Title 30 Chapter 1 and 2, and the same appears in Code of Alabama 1975.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

March 22, 2018

Date

John H. Merrill

Secretary of State

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DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

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JONATHAN A. HIPE
Signing Officer

Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 2. Divorce and Alimony. (Refs & Annos)
Article 1. Divorce from Bonds of Matrimony.

Ala.Code 1975 § 30-2-1

§ 30-2-1. Grounds; jurisdiction for proceedings; divorce judgment awarded to both parties.

Currentness

(a) The circuit court has power to divorce persons from the bonds of matrimony, upon a complaint filed by one of the parties, entitled "In re the marriage of and" for the causes following:

- (1) In favor of either party, when the other was, at the time of the marriage physically and incurably incapacitated from entering into the marriage state.
- (2) For adultery.
- (3) For voluntary abandonment from bed and board for one year next preceding the filing of the complaint.
- (4) Imprisonment in the penitentiary of this or any other state for two years, the sentence being for seven years or longer.
- (5) The commission of the crime against nature, whether with mankind or beast, either before or after marriage.
- (6) For becoming addicted after marriage to habitual drunkenness or to habitual use of opium, morphine, cocaine, or other like drug.
- (7) Upon application of either the husband or wife, when the court is satisfied from all the testimony in the case that there exists such a complete incompatibility of temperament that the parties can no longer live together.
- (8) In favor of either party, when the other, after marriage, shall have been confined in a mental hospital for a period of five successive years, if such party from whom a divorce is sought is hopelessly and incurably insane at the time of the filing of the complaint; provided, however, that the superintendent of the mental hospital in which such person is confined shall make a certified statement, under oath, that it is his opinion and belief, after a complete and full study and examination of such person, that such person is hopelessly and incurably insane.
- (9) Upon application of either party, when the court finds there has been an irretrievable breakdown of the marriage and that further attempts at reconciliation are impractical or futile and not in the best interests of the parties or family.

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- (10) In favor of the husband, when the wife was pregnant at the time of marriage, without his knowledge or agency.
- (11) In favor of either party to the marriage when the other has committed actual violence on his or her person, attended with danger to life or health, or when from his or her conduct there is reasonable apprehension of such violence.
- (12) In favor of the wife when the wife has lived, or shall have lived separate and apart from the bed and board of the husband for two years and without support from him for two years next preceding the filing of the complaint, and she has bona fide resided in this state during that period.
- (b) When a judgment of divorce is entered, in effect, it is awarded to both parties to the marriage.

Credits

(Code 1852, §§ 1961-1963; Code 1867, §§ 2351-2353; Code 1876, §§ 2685-2687; Code 1886, §§ 2322-2324; Code 1896, §§ 1485-1487; Code 1907, §§ 3793-3795; Acts 1919, No. 584, p. 839; Acts 1919, No. 631, p. 878; Code 1923, §§ 7407-7409; Acts 1932, Ex. Sess., No. 41, p. 52; Acts 1933, Ex. Sess., No. 153, p. 142; Acts 1936-37, Ex. Sess., No. 211, p. 247; Code 1940, T. 34, §§ 20-22; Acts 1943, No. 463, p. 425; Acts 1947, No. 487, p. 336; Acts 1971, No. 222, p. 517; Acts 1971, No. 2272, p. 3662, §§ 1, 2.)

Notes of Decisions (314)

Ala. Code 1975 § 30-2-1, AL ST § 30-2-1

Current through the end of the 2016 Regular Session and through Act 2016-485 of the 2016 First Special Session.

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Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 2. Divorce and Alimony. (Refs & Annos)

Article 1. Divorce from Bonds of Matrimony.

Ala.Code 1975 § 30-2-8

§ 30-2-8. Proceedings generally; right of remarriage.

Currentness

The proceeding must, in all respects, be conducted as other civil actions, except as herein otherwise directed. The cause for which the divorce is sought must be alleged in the complaint, to which the other party must be made a defendant. If service by publication shall be made, when necessary, in the manner provided in the Alabama Rules of Civil Procedure. In making his judgment, the judge shall, as the evidence and the nature of the case may warrant, direct whether the party against whom the judgment of divorce is made be permitted to marry again, and where in judgments no order is made disallowing the party the right to marry again, the party shall be deemed to have the right to remarry, subject to the restrictions set out in Section 30-2-10. In cases where the right is affirmatively disallowed to the divorced party to remarry, it shall be competent for the judge, upon motion and proper proof, to allow the moving party to marry again, as justice may seem to require.

Credits

(Code 1852, § 1964; Code 1867, § 2354; Code 1876, § 2688; Code 1886, § 2325; Code 1896, § 1488; Code 1907, § 3796; Code 1923, § 7410; Code 1940, T. 34, § 23; Acts 1943, No. 566, p. 569.)

Notes of Decisions (13)

Ala. Code 1975 § 30-2-8, AL ST § 30-2-8

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Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 2. Divorce and Alimony. (Refs & Annos)

Article 1. Divorce from Bonds of Matrimony.

Ala.Code 1975 § 30-2-9

§ 30-2-9. Validation of marriage of divorced persons where
remarriage not specifically prohibited by divorce judgment.

Currentness

The marriages of all persons married subsequent to a divorce judgment granted in this state which did not prohibit the person from remarrying are hereby declared to be valid, notwithstanding that the judgment of divorce did not specifically confer on such person the right to remarry.

This section shall not be deemed to abridge in any way the force and effect of Section 30-2-10.

Credits

(Acts 1947, No. 359, p. 244.)

Ala. Code 1975 § 30-2-9, AL ST § 30-2-9

Current through the end of the 2016 Regular Session and through Act 2016-485 of the 2016 First Special Session.

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Code of Alabama
Title 30. Marital and Domestic Relations.
Chapter 1. Marriage.

Ala.Code 1975 T. 30, Ch. 1, Refs & Annos
Currentness

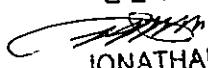
Ala. Code 1975 T. 30, Ch. 1, Refs & Annos, AL ST T. 30, Ch. 1, Refs & Annos
Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment§30-1-1. Incestuous marriages -- Prohibited;prior attempted marriages between man and widow of uncle validated. Repealed by Acts 1977, No. 607, p. 812, §9901, as amended, effective January 1, 1980.

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-1

§ 30-1-1. Incestuous marriages -- Prohibited; prior attempted marriages between man and widow of uncle validated. Repealed by Acts 1977, No. 607, p. 812, § 9901, as amended, effective January 1, 1980.

Currentness

Ala. Code 1975 § 30-1-1, AL ST § 30-1-1

Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 30-1-2. Incestuous marriages -- Applicability to illegitimate children, etc. Repealed by Acts 1977, No. 607, p. 812, § 9901, as amended, effective January 1, 1980.

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala. Code 1975 § 30-1-2

§ 30-1-2. Incestuous marriages -- Applicability to illegitimate children, etc. Repealed
by Acts 1977, No. 607, p. 812, § 9901, as amended, effective January 1, 1980.

Currentness

Ala. Code 1975 § 30-1-2, AL ST § 30-1-2

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment§30-1-3. Issue of incestuous marriages not deemed illegitimate. Repealed by Act 2015-70, §1(71), effective April 21, 2015.

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-3

§ 30-1-3. Issue of incestuous marriages not deemed illegitimate.

Repealed by Act 2015-70, § 1(71), effective April 21, 2015.

Currentness

Ala. Code 1975 § 30-1-3, AL ST § 30-1-3

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Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-4

§ 30-1-4. Minimum age for contracting marriage.

Currentness

A person under the age of 16 years is incapable of contracting marriage.

Credits

(Code 1852, § 1944; Code 1867, § 2333; Code 1876, § 2672; Code 1886, § 2309; Code 1896, § 2839; Code 1907, § 4879; Code 1923, § 8993; Code 1940, T. 34, § 4; Act 2003-150, p. 454, § 1.)

Notes of Decisions (9)

Ala. Code 1975 § 30-1-4, AL ST § 30-1-4

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-5

§ 30-1-5. Consent of parents and bond required for marriage of certain minors.

Currentness

If the person intending to marry is at least 16 years of age and under 18 years of age and has not had a former wife or husband, the judge of probate shall require the consent of the parents or guardians of the minor to the marriage, to be given either personally or in writing, and, if the latter, the execution thereof shall be proved. The judge of probate shall also require a bond to be executed in the penal sum of two hundred dollars (\$200), payable to the State of Alabama, with condition to be void if there is no lawful cause why such marriage should not be celebrated.

Credits

(Code 1852, § 1950; Code 1867, § 2339; Code 1876, § 2678; Code 1886, § 2315; Code 1896, § 2845; Code 1907, § 4885; Code 1923, § 8999; Code 1940, T. 34, § 10; Act 2003-150, p. 454, § 1.)

Notes of Decisions (13)

Ala. Code 1975 § 30-1-5, AL ST § 30-1-5

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Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-6

§ 30-1-6. Solemnization of marriage of parties under age of consent or within prohibited degrees, etc.

Currentness

Any person solemnizing the rites of matrimony with the knowledge that either party is under the age of legal consent, or within the degrees prohibited by law, must, on conviction, be fined not less than \$1,000.

Credits

(Code 1852, § 1956; Code 1867, § 2345; Code 1876, § 4430; Code 1886, § 4173; Code 1896, § 5593; Code 1907, § 7391; Code 1923, § 4943; Code 1940, T. 34, § 5.)

Notes of Decisions (1)

Ala. Code 1975 § 30-1-6, AL ST § 30-1-6

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Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-7

§ 30-1-7. Persons authorized to solemnize marriages.

Currentness

(a) *Generally.* Marriages may be solemnized by any licensed minister of the gospel in regular communion with the Christian church or society of which the minister is a member; by an active or retired judge of the Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, any circuit court, or any district court within this state; by a judge of any federal court; or by an active or retired judge of probate.

(b) *Pastor of religious society; clerk of society to maintain register of marriages; register, etc., deemed presumptive evidence of fact.* Marriage may also be solemnized by the pastor of any religious society according to the rules ordained or custom established by such society. The clerk or keeper of the minutes of each society shall keep a register and enter therein a particular account of all marriages solemnized by the society, which register, or a sworn copy thereof, is presumptive evidence of the fact.

(c) *Quakers, Menmonites, or other religious societies.* The people called Menmonites, Quakers, or any other Christian society having similar rules or regulations, may solemnize marriage according to their forms by consent of the parties, published and declared before the congregation assembled for public worship.

Credits

(Code 1852, §§ 1946-1948; Code 1867, §§ 2335-2337; Code 1876, §§ 2674-2676; Code 1886, §§ 2311-2313; Code 1896, §§ 2841-2843; Code 1907, §§ 4881-4883; Code 1923, §§ 8995-8997; Code 1940, T. 34, §§ 6-8; Acts 1988, No. 88-551, p. 867; Act 2003-303, p. 721, § 1; Act 2004-485, p. 903, § 1.)

Notes of Decisions (1)

Ala. Code 1975 § 30-1-7, AL ST § 30-1-7

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Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-8

§ 30-1-8. Fee for performing marriage.

Currentness

Any person authorized under this chapter to celebrate the rites of matrimony is entitled to \$2 for each marriage solemnized.

Credits

(Code 1852, § 1959; Code 1867, § 2348; Code 1876, § 2683; Code 1886, § 2321; Code 1896, § 2851; Code 1907, § 4891; Code 1923, § 9005; Code 1940, T. 34, § 18.)

Ala. Code 1975 § 30-1-8, AL ST § 30-1-8


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KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Recognized as Unconstitutional by *Strawser v. Strange*, S.D. Ala., June 07, 2016

KeyCite Yellow Flag - Negative Treatment Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala. Code 1975 § 30-1-9

§ 30-1-9. Marriage not to be solemnized without license; issuance, effect,
and duration of license; solemnization of marriage when license void.

Currentness

No marriage shall be solemnized without a license. Marriage licenses may be issued by the judges of probate of the several counties. The license is an authority to anyone qualified to solemnize marriage to join together in matrimony the persons therein named. Any license issued under the provisions of this section shall be invalid if the marriage for which it was issued has not been solemnized within 30 days from the date of issuance. No person now or hereafter authorized by law to solemnize marriages shall perform any ceremony or solemnize any marriage if the license issued for such marriage has become invalid. The license shall have stamped or printed upon it the words: "This license is void after 30 days from date unless the marriage is solemnized within said time."

Credits

(Code 1852, § 1949; Code 1867, § 2338; Code 1876, § 2677; Code 1886, § 2314; Code 1896, § 2844; Code 1907, § 4884; Code 1923, § 8998; Code 1940, T. 34, § 9; Acts 1953, No. 276, p. 342; Acts 1961, No. 708, p. 1000.)

Notes of Decisions (20)

Ala. Code 1975 § 30-1-9, AL ST § 30-1-9

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Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-10

§ 30-1-10. Penalty for issuance of marriage license to minor contrary to provisions of chapter.

Currentness

A judge of probate, issuing a license for the marriage of a minor contrary to the provisions of this chapter, forfeits \$200 to the parent or to the guardian of such minor for the use of his ward, for which the parent or guardian may sue. If it be shown that the parent or guardian consented to the marriage, or that at the time of the issuance of the license an affidavit was made by such minor, or some other credible person claiming to know the fact, that such minor was of age required by law, the penalty given by this section is not recoverable.

Credits

(Code 1852, § 1953; Code 1867, § 2342; Code 1876, § 2681; Code 1886, §§ 2318, 2319; Code 1896, §§ 2848, 2849; Code 1907, §§ 4888, 4889; Code 1923, §§ 9002, 9003; Code 1940, T. 34, §§ 15, 16.)

Notes of Decisions (18)

Ala. Code 1975 § 30-1-10, AL ST § 30-1-10

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Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-11

§ 30-1-11. Penalty for solemnization of marriage without license.

Currentness

Any person authorized under this chapter to perform a marriage ceremony, who joins any persons in marriage without a license as required by this chapter or who goes out of the state and marries persons, one or both of whom reside in this state, without such license or a license from the state in which the marriage is celebrated, forfeits \$1,000, one half to the use of the state, and the other half to the use of any person who may sue for the same.

Credits

(Code 1852, § 1955; Code 1867, § 2344; Code 1876, § 2682; Code 1886, § 2320; Code 1896, § 2850; Code 1907, § 4890; Code 1923, § 9004; Code 1940, T. 34, § 17.)

Notes of Decisions (3)

Ala. Code 1975 § 30-1-11, AL ST § 30-1-11

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Proposed Legislation

Code of Alabama Title 30. Marital and Domestic Relations. (Refs & Annos) Chapter 1. Marriage. (Refs & Annos)
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Ala.Code 1975 § 30-1-12

§ 30-1-12. Probate judge to maintain register of licenses; register deemed presumptive evidence of facts.

Currentness

The judge of probate must keep a book, in which shall be registered all licenses issued by him and which shall state whether the parties, or either of them, were of the age specified in Section 30-1-5. If not, he must also state whether either of them had been previously married, or if consent had been given to the marriage by the parent or guardian. If such consent was in writing, he must transcribe it on the same page on which he records the license, and the record so made, or a certified copy thereof, is presumptive evidence of the facts.

Credits

(Code 1852, § 1951; Code 1867, § 2340; Code 1876, § 2679; Code 1886, § 2316; Code 1896, § 2846; Code 1907, § 4886; Code 1923, § 9000; Code 1940, T. 34, § 11.)

Notes of Decisions (2)

Ala. Code 1975 § 30-1-12, AL ST § 30-1-12

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Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-13

§ 30-1-13. Persons solemnizing marriages to execute certificate; recordation thereof; marriage certificate deemed presumptive evidence of fact.

Currentness

All persons or religious societies solemnizing marriage by virtue of a license or according to their peculiar forms must, within one month thereafter, certify the fact in writing to the judge of probate, setting forth the names of the parties and the time and place of the celebration thereof, which certificate must be recorded in the book kept for the registry of licenses. A certified copy thereof is presumptive evidence of the fact.

Credits

(Code 1852, § 1952; Code 1867, § 2341; Code 1876, § 2680; Code 1886, § 2317; Code 1896, § 2847; Code 1907, § 4887; Code 1923, § 9001; Code 1940, T. 34, § 12.)

Notes of Decisions (3)

Ala. Code 1975 § 30-1-13, AL ST § 30-1-13

Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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Proposed Legislation

Code of Alabama Title 30. Marital and Domestic Relations. (Refs & Annos) Chapter 1. Marriage. (Refs & Annos)
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Ala.Code 1975 § 30-1-14

§ 30-1-14. Failure of minister, etc., to return marriage certificate to probate judge.

Currentness

Any judge, minister of the gospel or other person uniting persons in matrimony or any clerk or keeper of the minutes of a religious society celebrating marriage by the consent of the parties before the congregation, who fails to return a certificate thereof to the judge of probate, as required by law, is guilty of a misdemeanor.

Credits

(Code 1852, § 1957; Code 1867, § 2346; Code 1876, § 4431; Code 1886, § 4174; Code 1896, § 5594; Code 1907, § 7392; Code 1923, § 4944; Code 1940, T. 34, § 14.)

Notes of Decisions (1)

Ala. Code 1975 § 30-1-14, AL ST § 30-1-14

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 30-1-15. Failure of probate judge, etc., to record license, marriage certificate, etc. Repealed by Acts 1977, No. 607, p. 812, § 9901, as amended, effective January 1, 1980.

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala. Code 1975 § 30-1-15

§ 30-1-15. Failure of probate judge, etc., to record license, marriage certificate, etc.
Repealed by Acts 1977, No. 607, p. 812, § 9901, as amended, effective January 1, 1980.

Currentness

Ala. Code 1975 § 30-1-15, AL ST § 30-1-15

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-16

§ 30-1-16. Correction of vital error in marriage application, license, or certificate.

Currentness

(a) In all instances where a marriage license has been issued and certificate returned and vital error has been made on the face of the application, license, or certificate, necessitating that a correction be made thereof, the judge of probate of the county in which the license was issued shall, upon proper petition being filed by either party to the marriage or someone delegated or authorized by him or her, in his or her name and behalf, giving the names and residences of the parties to the marriage, and if the residence is not known, an affidavit by petitioner or petitioner's attorney that the residence is not known and that diligent effort has been made to locate same, together with a clear statement setting up wherein the correction should be made in the application license or certificate, set a date for hearing the petition after first having given notice of the time and place of the hearing for at least six days by personal service thereof if the other resides in the State of Alabama, unless both parties join in the petition and in such case the petition may be set down for immediate hearing. If the other party to the marriage is a nonresident or has absented himself or herself from the state for six months or longer and his or her address is known, then service may be made by sending a copy of the petition by registered or certified mail, with return receipt requested, to the address of the other party. If the address is not known, service may be made by advertisement in a newspaper published in the county where the petition is filed by one weekly insertion therein.

(b) The judge of probate shall, after the filing of the petition and proof of service thereon made, hear any competent evidence that may be offered or such as may be required by him, and if he is satisfied from the proof made that the alleged error or mistake should be corrected, thereupon enter a decree correcting same.

(c) The decree made and entered as herein provided shall be recorded in a permanent record in the office of the judge of probate and a copy thereof sent to the Office of Vital Statistics of the State of Alabama, and a certified copy of the decree issued by the Office of Vital Statistics shall be admissible evidence and prima facie proof in any court of the correctness of the facts stated therein.

(d) The cost of the proceeding shall be paid as provided by law in proceedings in the probate court of the State of Alabama, same to be paid by the petitioner or petitioners.

Credits

(Acts 1943, No. 337, p. 318.)

Ala. Code 1975 § 30-1-16, AL ST § 30-1-16

Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-17

§ 30-1-17. Correction of marriage records.

Currentness

(a) When the records pertaining to a marriage are incomplete or inaccurate, the judge of probate of a county in which the marriage license was issued shall correct or perfect the same upon proper petition being filed by either party to the marriage, or someone delegated or authorized by him or her, in his or her name and behalf, giving the names and residences of the parties to the marriage, if known, and if the residence is not known, an affidavit by petitioner or petitioner's attorney that the residence is not known and that diligent effort has been made to ascertain the same, together with a clear statement setting up wherein the record of the marriage should be corrected or perfected. Notice of the time and place set for hearing the application shall be given for at least six days by personal service thereof, if the other party resides in the State of Alabama, unless both parties join in the petition, and in such case the petition may be set down for an immediate hearing. If the other party to the marriage is a nonresident or has absented himself or herself from the state for six months or longer and his or her address is known, then service may be made by sending a copy of the petition by registered or certified mail, with return receipt requested, to the address of the other party. If the address is not known, service may be made by advertisement in a newspaper published in the county where petition is filed by one weekly insertion therein.

(b) The judge of probate shall, after the filing of the petition and proof of service is made, hear any competent evidence that may be offered or such as may be required by him, and if he is satisfied from the proof made that the record of marriage in his office is incorrect or incomplete, he may thereupon enter a decree correcting or perfecting the same in the manner prayed for in the petition.

(c) The decree made and entered as herein provided shall be recorded in a permanent record in the office of the judge of probate and a copy thereof, certified as prescribed by law, shall be admissible evidence and prima facie proof in any court of the correctness of the facts stated therein.

(d) The costs of the proceeding authorized by this section shall be taxed and paid as provided by law in other proceedings in the probate courts of this state.

Credits

(Acts 1957, No. 559, p. 778.)

Ala. Code 1975 § 30-1-17, AL ST § 30-1-17

Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-18

§ 30-1-18. Probate judge to notify district attorney of offenses under chapter.

Currentness

It is the duty of the judge of probate to give notice to the district attorney of all offenses under this chapter.

Credits

(Code 1852, § 1960; Code 1867, § 2349; Code 1876, § 2684; Code 1886, § 4175; Code 1896, § 5595; Code 1907, § 7393; Code 1923, § 4945; Code 1940, T. 34, § 19.)

Ala. Code 1975 § 30-1-18, AL ST § 30-1-18

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KeyCite Red Flag - Severe Negative Treatment

Unconstitutional or Preempted/Held Unconstitutional by *Strawser v. Strange*, S.D.Ala., May 21, 2015

Code of Alabama

Title 30. Marital and Domestic Relations. (Refs & Annos)

Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-19

§ 30-1-19. Marriage, recognition thereof, between persons of the same sex prohibited.

Currentness

(a) This section shall be known and may be cited as the "Alabama Marriage Protection Act."

(b) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting the unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

(c) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract.

(d) No marriage license shall be issued in the State of Alabama to parties of the same sex.

(e) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.

Credits

(Act 98-500, p. 1077, §§ 1, 2.)

Notes of Decisions (9)

Ala. Code 1975 § 30-1-19, AL ST § 30-1-19


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Code of Alabama
Title 30. Marital and Domestic Relations. (Refs & Annos)
Chapter 1. Marriage. (Refs & Annos)

Ala.Code 1975 § 30-1-20

§ 30-1-20. Common-law marriage abolished.

Currentness

(a) No common-law marriage may be entered into in this state on or after January 1, 2017.

(b) An otherwise valid common-law marriage entered into before January 1, 2017, shall continue to be valid in this state.

Credits

(Act 2016-306, § 1.)

Notes of Decisions (1)

Ala. Code 1975 § 30-1-20, AL ST § 30-1-20

Current through Act 2018-124, and Act 2018-126 through Act 2018-131

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