

# Fairfax Circuit Court

## Marriage Affirmation Procedure

This procedure is for couples (the “petitioners” or the “parties”) that were married in Virginia, the marriage license was issued by the Fairfax Circuit Court and the marriage celebrant was not authorized to perform wedding ceremonies by a Virginia Circuit Court. The petitioners are responsible for ensuring that the documents are complete when filed with the Clerk’s Office. **Petitioners are strongly encouraged to engage an attorney regarding this matter. These forms are not provided as/or intended to replace legal assistance or legal advice.**

### Marriage Affirmation – Civil Action

Pursuant to §20-90 of the 1950 Code of Virginia, as amended, a court order is necessary to affirm a marriage when the marriage celebrant was not authorized by a Virginia Circuit Court to perform wedding ceremonies at the time of your wedding. This code section can also apply to other scenarios; therefore, we again **strongly encourage** you to discuss your situation **with an attorney** before proceeding with this process.

A sample [Petition](#), [Affidavit of Petitioners](#), [Affidavit of Marriage Celebrant](#) and [Final Order to Affirm Marriage](#) are available on our website: [fairfaxcounty.gov/courts/circuit/marriage\\_info.htm](http://fairfaxcounty.gov/courts/circuit/marriage_info.htm).

If you use the samples as a guideline, please note that the information which is *underlined in italics* should be completed with information specific to your case.

### Required Documents:

1. Original petition (notarized) and two (2) copies.
2. Original order granting the affirmation, to be signed by a judge.
3. A certified copy of the marriage license.
4. Any supporting documentation to show why the petition should be granted.
5. Affidavit of Petitioners (notarized).
6. Affidavit of the Marriage Celebrant (notarized).
7. A self addressed stamped envelope, to receive a certified copy of court order.
8. Filing Fee. See the current fee schedule at: <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>
9. Friday Motion’s Day Notice/Praeceptum Form. This form can be found at: <http://www.fairfaxcounty.gov/courts/circuit/CCR-E.htm>

### Guidelines and Requirements:

1. File the petition, affidavits, order and any supporting documentation, together at the Civil Intake Counter on the third floor of the Fairfax County Courthouse, 4110 Chain Bridge Road, Fairfax, Virginia.
2. The marriage license **must** have been issued by the Fairfax Circuit Court.
3. The Petition and Affidavit of Petitioners must be signed by both parties, in the presence of a notary public.

4. The Affidavit of Marriage Celebrant must be signed by the marriage celebrant, in the presence of a notary public.
5. The Order must be signed by the marriage celebrant and each party. Notarization is not required.
6. The petition and order must be printed on 8 ½" x 11" white paper, typed, double-spaced and contain the following heading:

VIRGINIA:      IN THE FAIRFAX CIRCUIT COURT

7. All filings must include the petitioners' current address and a daytime telephone number.
8. All Circuit Court fees must be paid by: cash, certified check or money order. Personal checks are **not** accepted.
9. Set the matter on the 9:00 a.m. Friday's motion docket using a Praecipe/Notice form. The form and further instructions regarding the Friday's Motions Docket can be found at:  
<http://www.fairfaxcounty.gov/courts/circuit/CCR-E.htm>

### **Preparing the Petition, Affidavits and Order:**

1. **Petition:** The Petition explains why the marriage must be affirmed and specifically asks the Court to enter an Order affirming the marriage. The Petition must include the following information:
  - Full names of the married couple. (The married couple is referred to as "Party A" and "Party B.")
  - Full **maiden** name of each party, if applicable.
  - Address and telephone number of each party.
  - Notarized signatures of both the petitioners.
  - Book, page and license number of the marriage license.
  - Date the marriage license was issued.
  - Name of the county/city of the Virginia Circuit Court Clerk's Office that issued the license.
  - Name and title of the marriage celebrant.
  - A statement whether the marriage celebrant has been able to obtain authorization to perform wedding ceremonies in Virginia since the date of the marriage. If the marriage celebrant has not been able to obtain authorization, the petition must explain why he/she has not been able to obtain the authorization.
  - Date of marriage.
  - Location of wedding ceremony.
  - A request that the marriage be affirmed.
2. **The Affidavit of Petitioner's must include the following information:**
  - Full name of each party.
  - Full **maiden** name of each party, if applicable.
  - Name and title of marriage celebrant.
  - Marriage license number.
  - Date marriage license was issued.

- Name of the county/city of the Virginia Circuit Court Clerk's Office that issued the license.
- Date of marriage.
- Address of each party.
- **Signatures of petitioners, signed in the presence of a notary public.**

**3. The Affidavit of the Marriage Celebrant must include the following information:**

- Name and title of the marriage celebrant.
- Name and address of the marriage celebrant's church.
- Date of ordination.
- Full name of each party.
- Full **maiden** name of each party, if applicable.
- Date of marriage.
- Location of wedding ceremony.
- A statement whether the marriage celebrant has been able to obtain authorization to perform wedding ceremonies in Virginia since the date of the marriage. If the marriage celebrant has not been able to obtain authorization, the Affidavit must explain why the celebrant has not been able to obtain the authorization.
- **Marriage celebrant's signature, signed in the presence of a notary public.**

**4. Final Order:** The order is a separate document you prepare for the judge to sign. In general, the order briefly restates the facts contained in the petition and then affirms the marriage. The Final Order to Affirm Marriage must include the following information:

- Full name of each party.
- Full **maiden** name of each party, if applicable.
- Book, page and license number of the marriage license.
- Name and title of the marriage celebrant.
- A statement whether the marriage celebrant has or has not obtained authorization to perform wedding ceremonies in Virginia since the date of the marriage.
- Date of marriage.
- Location of wedding ceremony.
- A request that the marriage be affirmed.
- Signatures of both the petitioners.
- Signature of the marriage celebrant.

The petitioners are responsible for ensuring that the documents are complete when filed with the Clerk. **Petitioners are strongly encouraged to engage an attorney in this matter.** These forms are not provided as/or intended to replace legal assistance or advice.