

641—98.7(144,595) Delayed registration of marriage—one year or more after date of event. All Iowa marriages registered one year or more after the date of the marriage shall be prepared on the Delayed Certificate of Marriage form. The state registrar shall require documentary evidence to establish the facts of the marriage pursuant to Iowa Code section 144.16 and subrule 98.7(2). The delayed marriage record shall be registered and maintained solely at the state registrar's office.

98.7(1) Application. A completed Delayed Certificate of Marriage form shall be signed before a notary by both parties to the marriage and filed with the state registrar.

98.7(2) Facts to be established.

a. The applicant shall submit a notification of record search certified by the state registrar, which shall indicate that no prior certificate of marriage is on file for the persons whose delayed marriage record is to be filed. The notification of record search shall be returned to the applicant and shall not be exchanged for a certified copy of delayed certificate of marriage.

b. The applicant shall substantiate the following with documentary evidence:

- (1) The county in Iowa where the license to marry was issued;
- (2) The full name of the registrants before and after the marriage;
- (3) The date and place of the marriage in Iowa;
- (4) The full names of the registrants' parents;
- (5) The full names of the two witnesses present at the marriage ceremony; and
- (6) The full name and address of the officiant who performed the marriage ceremony.

98.7(3) Documentary evidence.

a. To be acceptable for purposes of registration by the state registrar, the delayed certificate of marriage must be supported by:

(1) All of the following:

1. A copy of the issued license to marry in Iowa or the completed application for the license to marry in Iowa secured from the county registrar in the county where the license to marry was issued;

2. A notarized affidavit from two witnesses to the wedding ceremony attesting to the facts of the marriage; and

3. A certified copy transcribed from the official records where the marriage was performed including the date and place of such marriage as attested to by the custodian of such records; or

(2) An affidavit of the person who performed the ceremony documenting that there was a marriage and the date and place of such marriage.

b. The state registrar may require additional documentary evidence to prove the facts of the marriage event.

98.7(4) Abstraction and certification by the state registrar. The state registrar shall abstract on the Delayed Certificate of Marriage form a description of each document submitted to support the facts of the marriage event. This abstract shall include:

a. The title, description and signatory from each document presented;

b. The date of the original filing of the document being abstracted; and

c. The facts of the marriage event as established pursuant to paragraph 98.7(2) "b."

98.7(5) Acceptance of documentary evidence for registration. All documents submitted in support of the delayed registration shall be returned to the applicant after review, abstraction, and registration. The state registrar shall by signature certify that:

a. No prior certificate of marriage is on file for the registrants;

b. The evidence has been reviewed and substantiates the facts of the marriage event; and

c. The abstract of the evidence appearing on the delayed certificate of marriage accurately reflects the nature and content of the document.

98.7(6) Denial of registration. In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence required to establish a delayed certificate of marriage, the state registrar shall not register the delayed record.

a. The written notice of rejection from the state registrar shall include:

(1) The Delayed Certificate of Marriage form stamped "rejected"; and

(2) The Delayed Evidence Refusal form.

b. Applications for delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar shall advise the applicant, and all documents submitted in support of such registration shall be returned to the applicant. The state registrar shall provide information related to the applicant's right of appeal to the district court.

c. If a request to establish a delayed certificate of marriage is rejected under the provisions of Iowa Code section 144.16, a petition may be filed with the district court for an order to establish a delayed certificate of marriage. The petition shall:

- (1) Be made on a form prescribed and furnished by the state registrar.
- (2) Allege that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Iowa Code section 144.16.
- (3) Allege that the state registrar has refused to establish the delayed certificate of marriage.
- (4) Include such other allegations as may be required.
- (5) Be accompanied by a statement of the registration official made in accordance with Iowa Code section 144.16 and all documentary evidence which was submitted to the registration official in support of such registration.
- (6) Be verified by the petitioner.

98.7(7) *Duties of county registrar.* The county registrar may assist the applicant in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the partially completed delayed form, documents and fees to the state registrar for final review and possible acceptance.

98.7(8) *Fees.* Administrative and certified copy fees shall be charged as provided in rule 641—95.6(144).

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 4398C, IAB 4/10/19, effective 5/15/19]