

By: Manuel

H.B. No. 2091

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the confidentiality of certain information on a
3 marriage license, an application for a marriage license, and a
4 declaration of informal marriage.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 2.004(b), Family Code, is amended to
7 read as follows:

8 (b) The application form must contain:

9 (1) a heading entitled "Application for Marriage
10 License, _____ County, Texas";

11 (2) spaces for each applicant's full name, including
12 the woman's maiden surname, address, social security number, if
13 any, date of birth, and place of birth, including city, county, and
14 state;

15 (3) a space for indicating the document tendered by
16 each applicant as proof of identity and age;

17 (4) spaces for indicating whether each applicant has
18 been divorced within the last 30 days;

19 (5) printed boxes for each applicant to check "true"
20 or "false" in response to the following statement: "I am not
21 presently married and the other applicant is not presently
22 married.";

23 (6) printed boxes for each applicant to check "true"
24 or "false" in response to the following statement: "The other

1 applicant is not related to me as:

2 (A) an ancestor or descendant, by blood or
3 adoption;

4 (B) a brother or sister, of the whole or half
5 blood or by adoption;

6 (C) a parent's brother or sister, of the whole or
7 half blood or by adoption;

8 (D) a son or daughter of a brother or sister, of
9 the whole or half blood or by adoption;

10 (E) a current or former stepchild or stepparent;
11 or

12 (F) a son or daughter of a parent's brother or
13 sister, of the whole or half blood or by adoption.";

14 (7) printed boxes for each applicant to check "true"
15 or "false" in response to the following statement: "I am not
16 presently delinquent in the payment of court-ordered child
17 support.";

18 (8) a printed box for either applicant to check "Yes,
19 please keep the identifying information on this form confidential"
20 in response to the following statement: "If either applicant named
21 on this form is or has been a victim of family violence, dating
22 violence, sexual assault, stalking, or human trafficking and would
23 like the identifying information on this form to be kept
24 confidential, check the following box.";

25 (9) a printed oath reading: "I SOLEMNLY SWEAR (OR
26 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
27 CORRECT.";

1 (10) [~~(9)~~] spaces immediately below the printed oath
2 for the applicants' signatures;

3 (11) [~~(10)~~] a certificate of the county clerk that:

4 (A) each applicant made the oath and the date and
5 place that it was made; or

6 (B) an applicant did not appear personally but
7 the prerequisites for the license have been fulfilled as provided
8 by this chapter;

9 (12) [~~(11)~~] spaces for indicating the date of the
10 marriage and the county in which the marriage is performed;

11 (13) [~~(12)~~] a space for the address to which the
12 applicants desire the completed license to be mailed; and

13 (14) [~~(13)~~] a printed box for each applicant to check
14 indicating that the applicant wishes to make a voluntary
15 contribution of \$5 to promote healthy early childhood by supporting
16 the Texas Home Visiting Program administered by the Office of Early
17 Childhood Coordination of the Health and Human Services Commission.

18 SECTION 2. Subchapter A, Chapter 2, Family Code, is amended
19 by adding Section 2.011 to read as follows:

20 Sec. 2.011. CONFIDENTIALITY OF CERTAIN INFORMATION. If an
21 applicant for a marriage license has checked the box described by
22 Section 2.004(b)(8), the county clerk may not:

23 (1) publicly publish the personally identifying
24 information of either applicant, other than the names of the
25 applicants; or

26 (2) release a copy of the application or license that
27 includes the personally identifying information of either

1 applicant, other than the names of the applicants, to anyone other
2 than an applicant named on the license or the applicant's legal
3 representative.

4 SECTION 3. Section 2.402(b), Family Code, is amended to
5 read as follows:

6 (b) The declaration form must contain:

7 (1) a heading entitled "Declaration and Registration
8 of Informal Marriage, _____ County, Texas";

9 (2) spaces for each party's full name, including the
10 woman's maiden surname, address, date of birth, place of birth,
11 including city, county, and state, and social security number, if
12 any;

13 (3) a space for indicating the type of document
14 tendered by each party as proof of age and identity;

15 (4) printed boxes for each party to check "true" or
16 "false" in response to the following statement: "The other party is
17 not related to me as:

18 (A) an ancestor or descendant, by blood or
19 adoption;

20 (B) a brother or sister, of the whole or half
21 blood or by adoption;

22 (C) a parent's brother or sister, of the whole or
23 half blood or by adoption;

24 (D) a son or daughter of a brother or sister, of
25 the whole or half blood or by adoption;

26 (E) a current or former stepchild or stepparent;

27 or

1 (F) a son or daughter of a parent's brother or
2 sister, of the whole or half blood or by adoption.";

3 (5) a printed box for either party to check "Yes,
4 please keep the identifying information on this form confidential"
5 in response to the following statement: "If either party named on
6 this form is or has been a victim of family violence, dating
7 violence, sexual assault, stalking, or human trafficking and would
8 like the identifying information on this form to be kept
9 confidential, check the following box.";

10 (6) a printed declaration and oath reading: "I
11 SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO
12 EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
13 AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS
14 HUSBAND AND WIFE AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE
15 WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE
16 NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND
17 THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";

18 (7) [~~6~~] spaces immediately below the printed
19 declaration and oath for the parties' signatures; and

20 (8) [~~7~~] a certificate of the county clerk that the
21 parties made the declaration and oath and the place and date it was
22 made.

23 SECTION 4. Subchapter E, Chapter 2, Family Code, is amended
24 by adding Section 2.406 to read as follows:

25 Sec. 2.406. CONFIDENTIALITY OF CERTAIN INFORMATION. If a
26 party to a declaration of informal marriage has checked the box
27 described by Section 2.402(b)(5), the county clerk may not:

1 (1) publicly publish the personally identifying
2 information of either party, other than the names of the parties; or

3 (2) release a copy of the declaration that includes
4 the personally identifying information of either party, other than
5 the names of the parties, to anyone other than a party named on the
6 declaration or the party's legal representative.

7 SECTION 5. Section 194.004, Health and Safety Code, is
8 amended by amending Subsection (a) and adding Subsection (c) to
9 read as follows:

10 (a) Except as otherwise provided by this section,
11 the [~~The~~] vital statistics unit shall furnish on request any
12 information it has on record relating to any marriage, divorce, or
13 annulment of marriage.

14 (c) If a party to a marriage has checked the box described by
15 Section 2.004(b)(8) or 2.402(b)(5), Family Code, on the marriage
16 license application or declaration of informal marriage, as
17 applicable, the vital statistics unit may not furnish any
18 personally identifying information on record relating to the
19 marriage, other than the names of the parties to the marriage, to
20 anyone other than a party to the marriage or the party's legal
21 representative.

22 SECTION 6. The changes in law made by this Act apply only to
23 an application for a marriage license filed, or a declaration of an
24 informal marriage executed, as applicable, on or after the
25 effective date of this Act. An application filed or declaration
26 executed before the effective date of this Act is governed by the
27 law in effect on the date the application was filed or the

H.B. No. 2091

1 declaration was executed, and the former law is continued in effect
2 for that purpose.

3 SECTION 7. This Act takes effect September 1, 2023.