

BILL ANALYSIS

H.B. 443
By: Phillips
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Numerous provisions of the Family Code contain surplus and outdated language to refer to persons other than a parent who may consent to the marriage of a minor, as "judicially-designated managing conservator or guardian of the applicant's person." Additionally, the Family Code contains a provision allowing annulment of marriage of a person younger than 16, even though a person younger than 16 can only be married pursuant to a court order, and provides that a marriage is void if the person is younger than 16 years of age, even though the marriage was court ordered.

H.B.443 would simplify terminology, by referring to "judicially-designated managing conservator or guardian of the applicant's person" to "persons with a court-ordered right to consent to marriage for the applicant." Additionally, H.B.443 would clarify that any marriage of a person 16 or older but younger than 18 may be annulled if the marriage occurred without parental consent or court order

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

- SECTION 1:** Changes the term "judicially-designated managing conservator or guardian of the applicant's person" to "persons with a court-ordered right to consent to marriage" and makes conforming changes to several Family Code provisions needed to adopt this terminology.
- SECTION 2:** Makes conforming changes needed to adopt the terminology of "persons with a court-ordered right to consent to marriage" in place of "judicially-designated managing conservator or guardian of the applicant's person."
- SECTION 3:** Clarifies that marriage of a person 16 years of age or older but less than 18 may be annulled if the marriage occurred without parental consent or a court order, whether the marriage was pursuant to a license or was informal.
- SECTION 4:** Conforming change corresponding to repeal of Section 6.101, Family Code, which provides for annulment of a licensed marriage of a person younger than 16 years of age obtained without a court order.
- SECTION 5:** Conforming change corresponding to repeal of Section 6.101, Family Code, which provides for annulment of a licensed marriage of a person younger than 16 years of age obtained without a court order.
- SECTION 6:** Provides that a marriage of a person younger than 16 years of age is void, unless a court order for the marriage has been obtained under Section 2.103.

SECTION 7: In a suit for dissolution of marriage, either party may demand a jury trial unless the action is a suit to annul an underage marriage under Section 6.102. Also contains conforming change corresponding to repeal of Section 6.101, Family Code which provides for annulment of a licensed marriage of a person younger than 16 years of age obtained without a court order.

SECTION 8: Repeals Section 6.101, Family Code, which provides for annulment of a licensed marriage of a person younger than 16 years of age obtained without a court order.

SECTION 9: The change in law made by this Act to Section 2.102, Family Code, applies only to an application filed on or after the effective date of this Act and that the law in effect before the effective date of this Act remains in effect for applications filed before that date;

The change in law made by this Act to Section 2.103, Family Code, applies to a suit filed on or after the effective date of this Act and that the law in effect before the effective date of this Act remains in effect for suits filed before that date;

The change in law made by this Act to Section 6.205, Family Code, applies to a marriage regardless of when the marriage was entered into.

SECTION 10: This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007