

By: Phillips

H.B. No. 443

A BILL TO BE ENTITLED

AN ACT

relating to the consent to and annulment of certain marriages.

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

SECTION 1. Sections 2.102(b), (g), and (h), Family Code, are amended to read as follows:

(b) Parental consent must be evidenced by a written declaration on a form supplied by the county clerk in which the person consents to the marriage and swears that the person is a parent (if there is no person who has the court-ordered right to consent to marriage for the applicant [~~judicially designated managing conservator or guardian of the applicant's person~~]) or a person who has the court-ordered right to consent to marriage for the applicant [~~judicially designated managing conservator or guardian~~] (whether an individual, authorized agency, or court) [~~of the applicant's person~~].

(g) A person commits an offense if the person knowingly provides parental consent for an underage applicant under this section and the person is not a parent or a person who has the court-ordered right to consent to marriage for [~~judicially designated managing conservator or guardian of~~] the applicant. An offense under this subsection is a Class A misdemeanor.

(h) A parent or a person who has the court-ordered right to consent to marriage for the [~~judicially designated managing conservator or guardian of an~~] applicant commits an offense if the

1 parent or other person [~~, managing conservator, or guardian~~]  
2 knowingly provides parental consent under this section for an  
3 applicant who is younger than 16 years of age or who is presently  
4 married to a person other than the person the applicant desires to  
5 marry. An offense under this subsection is a felony of the third  
6 degree.

7 SECTION 2. Sections 2.103(b), (c), and (d), Family Code,  
8 are amended to read as follows:

9 (b) The petition must be filed in the county where a parent  
10 resides if a court has not awarded another person the right to  
11 consent to marriage for the minor [~~a managing conservator or a~~  
12 ~~guardian of the person has not been appointed~~]. If a court has  
13 awarded another person the right to consent to marriage for the  
14 minor [~~a managing conservator or a guardian of the person has been~~  
15 ~~appointed~~], the petition must be filed in the county where that [~~the~~  
16 ~~managing conservator or the guardian of the~~] person resides. If no  
17 parent or person who has the court-ordered right [~~authorized~~] to  
18 consent to marriage for the minor resides in this state, the  
19 petition must be filed in the county where the minor lives.

20 (c) The petition must include:

21 (1) a statement of the reasons the minor desires to  
22 marry;

23 (2) a statement of whether each parent is living or is  
24 dead;

25 (3) the name and residence address of each living  
26 parent; and

27 (4) a statement of whether a court has awarded to a

1 person other than a parent of the minor the right to consent to  
2 marriage [~~managing conservator or a guardian of the person has been~~  
3 ~~appointed~~] for the minor.

4 (d) Process shall be served as in other civil cases on each  
5 living parent of the minor or on a person who has the court-ordered  
6 right to consent to marriage for the minor, as applicable [~~, if a~~  
7 ~~managing conservator or a guardian of the person has been~~  
8 ~~appointed, on the managing conservator or guardian of the person~~].  
9 Citation may be given by publication as in other civil cases, except  
10 that notice shall be published one time only.

11 SECTION 3. Section 6.102(a), Family Code, is amended to  
12 read as follows:

13 (a) The court may grant an annulment of a [~~licensed or~~  
14 ~~informal~~] marriage of a person 16 years of age or older but under 18  
15 years of age that occurred without parental consent or without a  
16 court order as provided by Subchapters B and E, Chapter 2.

17 SECTION 4. Section 6.103, Family Code, is amended to read as  
18 follows:

19 Sec. 6.103. UNDERAGE ANNULMENT BARRED BY ADULTHOOD. A suit  
20 to annul a marriage may not be filed under Section [~~6.101 or~~] 6.102  
21 by a parent, managing conservator, or guardian of a person after the  
22 18th birthday of the person.

23 SECTION 5. Section 6.104(a), Family Code, is amended to  
24 read as follows:

25 (a) An annulment under Section [~~6.101 or~~] 6.102 of a  
26 marriage may be granted at the discretion of the court sitting  
27 without a jury.

1           SECTION 6. Section 6.205, Family Code, is amended to read as  
2 follows:

3           Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either  
4 party to the marriage is younger than 16 years of age, unless a  
5 court order has been obtained under Section 2.103.

6           SECTION 7. Section 6.703, Family Code, is amended to read as  
7 follows:

8           Sec. 6.703. JURY. In a suit for dissolution of a marriage,  
9 either party may demand a jury trial unless the action is a suit to  
10 annul an underage marriage under Section [~~6.101 or~~] 6.102.

11          SECTION 8. Section 6.101, Family Code, is repealed.

12          SECTION 9. (a) The change in law made by this Act to Section  
13 2.102, Family Code, applies only to an application for a marriage  
14 license filed on or after the effective date of this Act. An  
15 application filed before the effective date of this Act is governed  
16 by the law in effect on the date the application was filed, and the  
17 former law is continued in effect for that purpose.

18          (b) The change in law made by this Act to Section 2.103,  
19 Family Code, applies only to a suit under that section filed on or  
20 after the effective date of this Act. A suit filed before the  
21 effective date of this Act is governed by the law in effect on the  
22 date the suit was filed, and the former law is continued in effect  
23 for that purpose.

24          (c) The change in law made by this Act to Section 6.205,  
25 Family Code, applies to a marriage regardless of whether the  
26 marriage was entered into before, on, or after the effective date of  
27 this Act.

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