By: Harris   S.B. No. 432

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the consent to and annulment of certain marriages.

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

4   SECTION 1. Sections 2.102(b), (g), and (h), Family Code,

5 are amended to read as follows:

6   (b) Parental consent must be evidenced by a written

7 declaration on a form supplied by the county clerk in which the

8 person consents to the marriage and swears that the person is a

9 parent (if there is no person who has the court-ordered right to

10 consent to marriage for the applicant [judicially designated

11 managing conservator or guardian of the applicant's person]) or a

12 person who has the court-ordered right to consent to marriage for

13 the applicant [judicially designated managing conservator or

14 guardian] (whether an individual, authorized agency, or court) [of

15 the applicant's person].

16   (g) A person commits an offense if the person knowingly

17 provides parental consent for an underage applicant under this

18 section and the person is not a parent or a person who has the

19 court-ordered right to consent to marriage for [judicially

20 designated managing conservator or guardian of] the applicant. An

21 offense under this subsection is a Class A misdemeanor.

22   (h) A parent or a person who has the court-ordered right to

23 consent to marriage for the [judicially designated managing

24 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

2

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.