

1-1 By: Harris S.B. No. 432
1-2 (In the Senate - Filed February 2, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 15, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the consent to and annulment of certain marriages.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsections (b), (g), and (h), Section 2.102,
1-11 Family Code, are amended to read as follows:

1-12 (b) Parental consent must be evidenced by a written
1-13 declaration on a form supplied by the county clerk in which the
1-14 person consents to the marriage and swears that the person is a
1-15 parent (if there is no person who has the court-ordered right to
1-16 consent to marriage for the applicant [judicially designated
1-17 managing conservator or guardian of the applicant's person]) or a
1-18 person who has the court-ordered right to consent to marriage for
1-19 the applicant [judicially designated managing conservator or
1-20 guardian] (whether an individual, authorized agency, or court) ~~[of~~
1-21 ~~the applicant's person]~~.

1-22 (g) A person commits an offense if the person knowingly
1-23 provides parental consent for an underage applicant under this
1-24 section and the person is not a parent or a person who has the
1-25 court-ordered right to consent to marriage for [judicially
1-26 designated managing conservator or guardian of] the applicant. An
1-27 offense under this subsection is a Class A misdemeanor.

1-28 (h) A parent or a person who has the court-ordered right to
1-29 consent to marriage for the [judicially designated managing
1-30 conservator or guardian of an] applicant commits an offense if the
1-31 parent or other person[, managing conservator, or guardian]
1-32 knowingly provides parental consent under this section for an
1-33 applicant who is younger than 16 years of age or who is presently
1-34 married to a person other than the person the applicant desires to
1-35 marry. An offense under this subsection is a felony of the third
1-36 degree.

1-37 SECTION 2. Subsections (b), (c), and (d), Section 2.103,
1-38 Family Code, are amended to read as follows:

1-39 (b) The petition must be filed in the county where a parent
1-40 resides if a court has not awarded another person the right to
1-41 consent to marriage for the minor [a managing conservator or a
1-42 guardian of the person has not been appointed]. If a court has
1-43 awarded another person the right to consent to marriage for the
1-44 minor [a managing conservator or a guardian of the person has been
1-45 appointed], the petition must be filed in the county where that [the
1-46 managing conservator or the guardian of the] person resides. If no
1-47 parent or person who has the court-ordered right [authorized]
1-48 consent to marriage for the minor resides in this state, the
1-49 petition must be filed in the county where the minor lives.

1-50 (c) The petition must include:

1-51 (1) a statement of the reasons the minor desires to
1-52 marry;

1-53 (2) a statement of whether each parent is living or is
1-54 dead;

1-55 (3) the name and residence address of each living
1-56 parent; and

1-57 (4) a statement of whether a court has awarded to a
1-58 person other than a parent of the minor the right to consent to
1-59 marriage [managing conservator or a guardian of the person has been
1-60 appointed] for the minor.

1-61 (d) Process shall be served as in other civil cases on each
1-62 living parent of the minor or on a person who has the court-ordered
1-63 right to consent to marriage for the minor, as applicable[, if a
1-64 managing conservator or a guardian of the person has been

2-1 ~~appointed, on the managing conservator or guardian of the person].~~
2-2 Citation may be given by publication as in other civil cases, except
2-3 that notice shall be published one time only.

2-4 SECTION 3. Subsection (a), Section 6.102, Family Code, is
2-5 amended to read as follows:

2-6 (a) The court may grant an annulment of a [~~licensed or~~
2-7 ~~informal~~] marriage of a person 16 years of age or older but under 18
2-8 years of age that occurred without parental consent or without a
2-9 court order as provided by Subchapters B and E, Chapter 2.

2-10 SECTION 4. Section 6.103, Family Code, is amended to read as
2-11 follows:

2-12 Sec. 6.103. UNDERAGE ANNULMENT BARRED BY ADULTHOOD. A suit
2-13 to annul a marriage may not be filed under Section [~~6.101 or~~] 6.102
2-14 by a parent, managing conservator, or guardian of a person after the
2-15 18th birthday of the person.

2-16 SECTION 5. Subsection (a), Section 6.104, Family Code, is
2-17 amended to read as follows:

2-18 (a) An annulment under Section [~~6.101 or~~] 6.102 of a
2-19 marriage may be granted at the discretion of the court sitting
2-20 without a jury.

2-21 SECTION 6. Section 6.205, Family Code, is amended to read as
2-22 follows:

2-23 Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either
2-24 party to the marriage is younger than 16 years of age, unless a
2-25 court order has been obtained under Section 2.103.

2-26 SECTION 7. Section 6.703, Family Code, is amended to read as
2-27 follows:

2-28 Sec. 6.703. JURY. In a suit for dissolution of a marriage,
2-29 either party may demand a jury trial unless the action is a suit to
2-30 annul an underage marriage under Section [~~6.101 or~~] 6.102.

2-31 SECTION 8. Section 6.101, Family Code, is repealed.

2-32 SECTION 9. (a) The change in law made by this Act to
2-33 Section 2.102, Family Code, applies only to an application for a
2-34 marriage license filed on or after the effective date of this Act.
2-35 An application filed before the effective date of this Act is
2-36 governed by the law in effect on the date the application was filed,
2-37 and the former law is continued in effect for that purpose.

2-38 (b) The change in law made by this Act to Section 2.103,
2-39 Family Code, applies only to a suit under that section filed on or
2-40 after the effective date of this Act. A suit filed before the
2-41 effective date of this Act is governed by the law in effect on the
2-42 date the suit was filed, and the former law is continued in effect
2-43 for that purpose.

2-44 (c) The change in law made by this Act to Section 6.205,
2-45 Family Code, applies to a marriage regardless of whether the
2-46 marriage was entered into before, on, or after the effective date of
2-47 this Act.

2-48 SECTION 10. This Act takes effect September 1, 2007.

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