

By: Taylor of Collin

S.B. No. 1705

A BILL TO BE ENTITLED

AN ACT

relating to the application for and issuance of a marriage license and the marriage of a minor.

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

SECTION 1. Section 2.003, Family Code, is amended to read as follows:

Sec. 2.003. APPLICATION FOR LICENSE BY MINOR. (a) A person under 18 years of age may not marry unless the person has been granted by this state or another state a court order removing the disabilities of minority of the person for general purposes.

(b) In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:

~~(1) [documents establishing, as provided by Section 2.102, parental consent for the person to the marriage,~~

~~(2) documents establishing that a prior marriage of the person has been dissolved; or~~

~~(3)]~~ a court order granted by this state under Chapter 31 removing the disabilities of minority of the person for general purposes; or

(2) if the person is a nonresident minor, a certified copy of an order removing the disabilities of minority of the person for general purposes filed with this state under Section 31.007 [Section 2.103 authorizing the marriage of the person].

1 SECTION 2. Sections 2.006(a) and (b), Family Code, are
2 amended to read as follows:

3 (a) If an applicant who is 18 years of age or older is unable
4 to appear personally before the county clerk to apply for a marriage
5 license, any adult person or the other applicant may apply on behalf
6 of the absent applicant.

7 (b) The person applying on behalf of an absent applicant
8 shall provide to the clerk:

9 (1) notwithstanding Section 132.001, Civil Practice
10 and Remedies Code, the notarized affidavit of the absent applicant
11 as provided by this subchapter; and

12 (2) proof of the identity and age of the absent
13 applicant under Section 2.005(b) [~~and~~

14 [~~(3) if required because the absent applicant is a~~
15 ~~person under 18 years of age, documents establishing that a prior~~
16 ~~marriage has been dissolved, a court order authorizing the marriage~~
17 ~~of the absent, underage applicant, or documents establishing~~
18 ~~consent by a parent or a person who has legal authority to consent~~
19 ~~to the marriage, including:~~

20 [~~(A) proof of identity of the parent or person~~
21 ~~with legal authority to consent to the marriage under Section~~
22 ~~2.005(b); and~~

23 [~~(B) proof that the parent or person has the~~
24 ~~legal authority to consent to the marriage for the applicant under~~
25 ~~rules adopted under Section 2.102(j)].~~

26 SECTION 3. Section 2.009(a), Family Code, is amended to
27 read as follows:

1 (a) Except as provided by Subsections (b) and (d), the
2 county clerk may not issue a license if either applicant:

3 (1) fails to provide the information required by this
4 subchapter;

5 (2) fails to submit proof of age and identity;

6 (3) ~~[is under 16 years of age and has not been granted
7 a court order as provided by Section 2.103];~~

8 ~~[(4)]~~ is ~~[16 years of age or older but]~~ under 18 years
9 of age and has not presented ~~[at least one of the following]:~~

10 (A) ~~[parental consent as provided by Section
11 2.102];~~

12 ~~[(B) documents establishing that a prior
13 marriage of the applicant has been dissolved; or~~

14 ~~[(C)]~~ a court order granted by this state under
15 Chapter 31 removing the disabilities of minority of the applicant
16 for general purposes; or

17 (B) if the applicant is a nonresident minor, a
18 certified copy of an order removing the disabilities of minority of
19 the applicant for general purposes filed with this state under
20 Section 31.007 ~~[as provided by Section 2.103];~~

21 (4) ~~[(5)]~~ checks "false" in response to a statement in
22 the application, except as provided by Subsection (b) or (d), or
23 fails to make a required declaration in an affidavit required of an
24 absent applicant; or

25 (5) ~~[(6)]~~ indicates that the applicant has been
26 divorced within the last 30 days, unless:

27 (A) the applicants were divorced from each other;

1 or

2 (B) the prohibition against remarriage is waived
3 as provided by Section 6.802.

4 SECTION 4. Section 2.101, Family Code, is amended to read as
5 follows:

6 Sec. 2.101. GENERAL AGE REQUIREMENT. A [~~Except as~~
7 ~~otherwise provided by this subchapter or on a showing that a prior~~
8 ~~marriage has been dissolved, a~~] county clerk may not issue a
9 marriage license if either applicant is under 18 years of age,
10 unless each underage applicant shows that the applicant has been
11 granted by this state or another state a court order removing the
12 disabilities of minority of the applicant for general purposes.

13 SECTION 5. Section 6.205, Family Code, is amended to read as
14 follows:

15 Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either
16 party to the marriage is younger than 18 [~~16~~] years of age, unless a
17 court order removing the disabilities of minority of the party for
18 general purposes has been obtained in this state or in another state
19 [~~under Section 2.103~~].

20 SECTION 6. Sections 2.102 and 2.103, Family Code, are
21 repealed.

22 SECTION 7. (a) Sections 2.003, 2.006, 2.009, and 2.101,
23 Family Code, as amended by this Act, apply only to an application
24 for a marriage license filed on or after the effective date of this
25 Act. An application filed before that date is governed by the law
26 in effect on the date the application was filed, and the former law
27 is continued in effect for that purpose.

1 (b) Section 6.205, Family Code, as amended by this Act,
2 applies only to a marriage entered into on or after the effective
3 date of this Act. A marriage entered into before that date is
4 governed by the law in effect on the date the marriage was entered
5 into, and the former law is continued in effect for that purpose.

6 SECTION 8. This Act takes effect September 1, 2017.