By: Hayes H.B. No. 1095

A BILL TO BE ENTITLED

AN ACT

relating to the age at which a person in this state may marry and to certain rights of a party to a void marriage entered into when the party was a minor.

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

SECTION 1. Section 2.009(a), Family Code, is amended to read as follows:

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

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

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

(3) is under 18 years of age, regardless of whether the applicant has been granted by this state or another state [~~and has not presented:~~

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

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

(4) checks "false" in response to a statement in the application, except as provided by Subsection (b) or (d), or fails

to make a required declaration in an affidavit required of an absent applicant; or

(5) indicates that the applicant has been divorced within the last 30 days, unless:

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

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

SECTION 2. Section 2.101, Family Code, is amended to read as follows:

Sec. 2.101. GENERAL AGE REQUIREMENT. A county clerk may not issue a marriage license if either applicant is under 18 years of age, regardless of whether the [~~unless each~~] underage applicant [~~shows that the applicant~~] has been granted by this state or another state a court order removing the disabilities of minority of the applicant for general purposes.

SECTION 3. Section 6.205, Family Code, is amended to read as follows:

Sec. 6.205. MARRIAGE TO MINOR. (a) A marriage is void if either party to the marriage is younger than 18 years of age, regardless of whether [~~unless~~] a court order removing the disabilities of minority of the party for general purposes has been obtained in this state or in another state.

(b) Notwithstanding any other law, a party to a marriage that is void under this section who was a minor at the time the putative marriage was entered into may seek division of property under Chapter 7 and spousal maintenance under Chapter 8 in the same

manner as a party to a suit for dissolution of a marriage.

SECTION 4. Section 2.003, Family Code, is repealed.

SECTION 5. (a) Chapter 2, Family Code, as amended by this Act, applies only to an application for a marriage license filed on or after the effective date of this Act. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

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

SECTION 6. This Act takes effect September 1, 2027.