

SUBJECT: Revising provisions on consent to and annulment of underage marriages.

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 5 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Hernandez
0 nays
4 absent — Eiland, Farias, Strama, Vaught

WITNESSES: For — Brian Webb, Texas Family Law Foundation
Against — None

BACKGROUND: Family Code, sec. 2.009 specifies requirements for the issuance of marriage licenses. The 79th Legislature in 2005 enacted SB 6 by Nelson, which amended several sections of the Family Code and increased from 14 to 16 the minimum age for marriage. Family Code, secs. 2.102 and 2.103 govern parental consent and court orders for underage marriage applicants.

DIGEST: HB 443 would amend sections of the Family Code addressing underage marriages to replace all references to a “judicially designated managing conservator or guardian of the applicant's person” with “person who has the court-ordered right to consent to marriage” for the applicant. It would amend with this language sections on parental consent (secs. 2.102(g), (g), and (h)) and on court orders for underage applicants (secs. 2.103(b), (c), and (d)).

The bill also would amend Family Code, sec. 6.205 to stipulate that an underage marriage would not be void if a court order had been obtained under sec. 2.103. HB 443 would repeal Family Code, sec. 6.101, which provides for the annulment of a licensed marriage of a person under 16, and it would remove other references to that section in the Family Code.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: HB 443 would update and clarify Family Code provisions regarding annulment of marriages of people under 16 years old. Family Code, sec.

6.101, which provides for the annulment of licensed marriages of those under 16, should be repealed because it is no longer needed. The 79th Legislature in 2005 increased the minimum age for marriage from 14 to 16 without a court order. In addition, the bill would provide simpler, uniform language to be used in several provisions of the Family Code to refer to someone who has a right to consent to marriage for an underage applicant. Family law practitioners are in agreement that these changes will aid in the clarity of the Family Code and help to alleviate confusion over outdated language.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 432 by Harris, passed the Senate on the Local and Uncontested Calendar on March 28 and has been referred to the House Juvenile Justice and Family Issues Committee.