

HOUSE BILL NO. HB0007

Underage marriage-amendments.

Sponsored by: Representative(s) Zwonitzer, Dn and Oakley
and Senator(s) Case and Furphy

A BILL

for

1 AN ACT relating to domestic relations; amending the minimum
2 marriageable age; specifying that marriages involving
3 persons under age sixteen (16) are void; making conforming
4 amendments; specifying applicability; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 20-1-102, 20-1-103(c)(iii),
10 20-1-105(b) and 20-2-101(a) by creating a new paragraph
11 (iv) and (b) are amended to read:

12

13 **20-1-102. Minimum marriageable age; exception;**
14 **parental consent.**

15

1 (a) At the time of marriage the parties shall be at
2 least ~~sixteen (16)~~ eighteen (18) years of age except as
3 otherwise provided. No person shall marry who is under the
4 age of sixteen (16) years.

5
6 (b) All marriages involving a person ~~under~~ sixteen
7 (16) or seventeen (17) years of age are prohibited and
8 voidable, unless before contracting the marriage a judge of
9 a court of record in Wyoming approves the marriage and
10 authorizes the county clerk to issue a license therefor.
11 All marriages involving a person under sixteen (16) years
12 of age are void.

13
14 (c) When either party is ~~a minor~~ sixteen (16) or
15 seventeen (17) years of age, no license shall be granted
16 without the verbal consent, if present, and written
17 consent, if absent, of the father, mother, guardian or
18 person having the care and control of the ~~minor~~ person
19 sixteen (16) or seventeen (17) years of age. Written
20 consent shall be proved by the testimony of at least one
21 (1) competent witness.

22
23 **20-1-103. License; required.**

1

2 (c) Unless there is an order to waive the
3 requirements of this section by a judge of a court of
4 record in the county pursuant to W.S. 20-1-105, the clerk
5 shall refuse to issue a license if:

6

7 (iii) Either party is ~~a minor~~ sixteen (16) or
8 seventeen (17) years of age and the consent of a parent or
9 guardian has not been given.

10

11 **20-1-105. Judge may order license issued.**

12

13 (b) If either party is ~~under~~ sixteen (16) or
14 seventeen (17) years of age, the parents or guardians may
15 apply to any judge of a court of record in the county of
16 residence of the ~~minor~~ person sixteen (16) or seventeen
17 (17) years of age for an order authorizing the marriage and
18 directing the issuance of a marriage license. If the judge
19 believes it advisable, he shall enter an order authorizing
20 the marriage and directing the county clerk to issue a
21 license. Upon filing of a certified copy of the order with
22 the county clerk, the county clerk shall issue a license
23 and endorse thereon the fact of the issuance of the order.

1 No person authorized to perform marriage ceremonies in
2 Wyoming shall perform any marriage ceremony if either party
3 is under the age ~~specified by this subsection unless the~~
4 ~~license contains the endorsement of sixteen (16) years.~~

5

6 **20-2-101. Void and voidable marriages defined;**
7 **annulments.**

8

9 (a) Marriages contracted in Wyoming are void without
10 any decree of divorce:

11

12 (iv) When either party is under sixteen (16)
13 years of age at the time of contracting the marriage.

14

15 (b) A marriage is voidable if solemnized when either
16 party was ~~under the age of legal consent sixteen (16) or~~
17 seventeen (17) years of age unless a judge gave consent, if
18 they separated during nonage and did not cohabit together
19 afterwards, or if the consent of one (1) of the parties was
20 obtained by force or fraud and there was no subsequent
21 voluntary cohabitation of the parties.

22

1 **Section 2.** This act shall apply to all marriages
2 entered into on and after the effective date of this act.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9 (END)