

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Solemnization § 402.050

(1) Marriage shall be solemnized only by: (a) Ministers of the gospel or priests of any denomination in regular communion with any religious society; (b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or (c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society. (2) At least two (2) persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage § 402.005

As used and recognized in the law of the Commonwealth, "marriage" refers only to the civil status, condition, or relation of one (1) man and one (1) woman united in law for life, for the discharge to each other and the community of the duties legally incumbent upon those whose association is founded on the distinction of sex.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.105

A marriage license shall be valid for thirty (30) days, including the date it is issued, and after that time it shall be invalid.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.110

The form of marriage license prescribed in KRS 402.100 shall be uniform throughout this state, and every license blank shall contain the identical words and figures provided in the form prescribed by that section. In issuing the license the clerk shall deliver it in its entirety to the licensee. The clerk shall see to it that every blank space required to be filled by the applicants is so filled before delivering it to the licensee.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Void Marriages § 402.010

(1) No marriage shall be contracted between persons who are nearer of kin to each other by consanguinity, whether of the whole or half-blood, than second cousins. (2) Marriages prohibited by subsection (1) of this section are incestuous and void.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.220

The person solemnizing the marriage or the clerk of the religious society before which it was solemnized shall within one (1) month return the license to the county clerk of the county in which it was issued, with a certificate of the marriage over his signature, giving the date and place of celebration and the names of at least two (2) of the persons present.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Void Marriages § 402.020

(1) Marriage is prohibited and void: (a) With a person who has been adjudged mentally disabled by a court of competent jurisdiction; (b) Where there is a husband or wife living, from whom the person marrying has not been divorced; (c) When not solemnized or contracted in the presence of an authorized person or society; (d) Between members of the same sex; (e) Between more than two (2) persons; and (f) 1. Except as provided in subparagraph 3. of this paragraph, when at the time of the marriage, the person is under sixteen (16) years of age; 2. Except as provided in subparagraph 3. of this paragraph, when at the time of marriage, the person is under eighteen (18) but over sixteen (16) years of age, if the marriage is without the consent of: a. The father or the mother of the person under eighteen (18) but over sixteen (16), if the parents are married, the parents are not legally separated, no legal guardian has been appointed for the person under eighteen (18) but over sixteen (16), and no court order has been issued granting custody of the person under eighteen (18) but over sixteen (16) to a party other than the father or mother; b. Both the father and the mother, if both be living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) has been issued and is in effect; c. The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) was issued prior to the death of either the father or mother, which order remains in effect; d. The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the person under eighteen (18) but over sixteen (16) has not been ordered; or e. Another person having lawful custodial charge of the person under eighteen (18) but over sixteen (16), but 3. In case of pregnancy the male and female, or either of them, specified in subparagraph 1. or 2. of this paragraph, may apply to a District Judge for permission to marry, which application may be granted, in the form of a written court order, in the discretion of the judge. There shall be a fee of five dollars (\$5) for hearing each such application.(2) For purposes of this section "parent," "father," or "mother" means the natural parent, father, or mother of a child under eighteen (18) unless an adoption takes place pursuant to legal process, in which case the adoptive parent, father, or mother shall be considered the parent, father, or mother to the exclusion of the natural parent, father, or mother, as applicable.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Void Marriages § 402.030

(1) Courts having general jurisdiction may declare void any marriage obtained by force or fraud. (2) At the instance of any next friend, courts having general jurisdiction may declare any marriage void where the person was under eighteen (18) but over sixteen (16) years of age at the time of the marriage, and the marriage was without the consent required by KRS 402.020(1)(f) and has not been ratified by cohabitation after that age. (3) At the instance of any next friend, courts having general jurisdiction may declare void any marriage where: (a) The person was under sixteen (16) years of age at the time of the marriage; (b) The marriage was not conducted with the permission of a District Judge, as required by KRS 402.020(1)(f)3., in the form of a written court order; and (c) The marriage has not been ratified by cohabitation after the person reached eighteen (18) years of age.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Out-of-State Marriages § 402.040

(1) If any resident of this state marries in another state, the marriage shall be valid here if valid in the state where solemnized, unless the marriage is against Kentucky public policy. (2) A marriage between members of the same sex is against Kentucky public policy and shall be subject to the prohibitions established in KRS 402.045.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Out-of-State Marriages § 402.045

(1) A marriage between members of the same sex which occurs in another jurisdiction shall be void in Kentucky. (2) Any rights granted by virtue of the marriage, or its termination, shall be unenforceable in Kentucky courts

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Solemnization § 402.070

No marriage solemnized before any person professing to have authority therefor shall be invalid for the want of such authority, if it is consummated with the belief of the parties, or either of them, that he had authority and that they have been lawfully married.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Solemnization § 402.080

No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is eighteen (18) years of age or over or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Solemnization § 402.090

(1) No person shall, for compensation or reward, solicit, persuade, entice, direct or induce any persons to go before any person authorized to solemnize marriage to be married. No such person shall receive for such services any part of the remuneration paid for solemnizing the marriage. (2) No person authorized to solemnize marriage shall pay, give to, or divide or share with any other person any sum of money or other thing obtained by him for solemnizing marriage. (3) No person authorized to solemnize marriage shall solicit, persuade, entice, direct or induce any persons to come before him to be married.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.100

Each county clerk shall use the form prescribed by the Department for Libraries and Archives when issuing a marriage license. This form shall provide for the entering of all of the information required in this section, and may also provide for the entering of additional information prescribed by the Department for Libraries and Archives. The form shall consist of: (1) A marriage license which provides for the entering of: (a) An authorization statement of the county clerk issuing the license for any person or religious society authorized to perform marriage ceremonies to unite in marriage the persons named; (b) Vital information for each party, including the full name, date of birth, place of birth, race, condition (single, widowed, or divorced), number of previous marriages, occupation, current residence, relationship to the other party, and full names of parents; and (c) The date and place the license is

issued, and the signature of the county clerk or deputy clerk issuing the license. (2) A marriage certificate which provides for the entering of: (a) A statement by the person performing the marriage ceremony or the clerk of the religious society authorized to solemnize the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony or the name of the religious society solemnizing the marriage, the names of persons married, the date and place of the marriage, and the names of two (2) witnesses; (b) A statement by the person performing the marriage ceremony of his legal qualification under this chapter to perform the ceremony, such statement to include the name of the county or city where his license to perform marriage ceremonies was issued or, in the case of religious societies authorized by KRS 402.050(c) to solemnize marriages, the name of the city or county where the religious society is incorporated. The provisions of this paragraph shall not be construed to require the clerk of a religious society to be present at the marriage so long as the witnesses of the society are present; (c) A dated signature of the person performing the ceremony; and (d) A signed statement by the county clerk or a deputy county clerk of the county in which the marriage license was issued that the marriage certificate was recorded. The statement shall indicate the name of the county and the date the marriage certificate was recorded. (3) A certificate to be delivered by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony to the parties married. This certificate shall provide for the entering of: (a) A statement by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony, or the name of the religious society performing the ceremony, the names of persons married, the date and place of the marriage, the names of two (2) witnesses, and the following information as recorded on the license authorizing the marriage: the date the license was issued, the name of the county clerk under whose authority the license was issued, and the county in which the license was issued; and (b) A dated signature of the person performing the ceremony or the clerk of the religious society performing the ceremony. (4) A Social Security number shall be requested as a means of identification of each party but shall not be recorded on the marriage license or certificate. Other means of identification may also be requested if a party does not have a Social Security number. The Social Security number shall be forwarded to the appropriate agency within the Cabinet for Health and Family Services that is responsible for enforcing child support, and the number shall be stored by that agency with a nonidentifying numeric. The Social Security number shall not be available for public release.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.230

The certificate shall be filed in the county clerk's office. The county clerk shall keep in a record book a fair register of the parties' names, the person by whom, or the religious society by which, the marriage was solemnized, the date when the marriage was solemnized, and shall keep an index to the book in which the register is made.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Licensing and Recording § 402.240

In the absence of the county clerk, or during a vacancy in the office, the county judge/executive may issue the license and, in so doing, he shall perform the duties and incur all the responsibilities of the

clerk. The county judge/executive shall return a memorandum thereof to the clerk, and the memorandum shall be recorded as if the license had been issued by the clerk.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Miscellaneous Provisions § 402.250

Where doubt is felt as to the validity of a marriage, either party may, by petition in Circuit Court, demand its avoidance or affirmance; but where one (1) of the parties was within the age of consent at the time of marriage, the party who is of proper age may not bring such a proceeding for that cause against the party under age.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Miscellaneous Provisions § 402.260

If any person under eighteen (18) years of age marries without the consent required by KRS 402.020(1)(f), the court having general jurisdiction in the county of his residence shall, on the petition of a next friend, commit his estate to a receiver, who, upon giving bond, shall hold his estate and, after deducting a reasonable compensation for his services, pay out the rents and profits to his separate use during his infancy, under the direction of the court. When the person arrives at the age of eighteen (18), the receiver shall deliver his estate to him, unless the court considers it for his benefit to continue it in the hands of the receiver.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Miscellaneous Provisions § 402.270

(1) The Human Resources Coordinating Commission of Kentucky shall prepare a marriage manual for distribution to all applicants for a marriage license. The manual shall include, but not be limited to, material on family planning, proper health and sanitation practices, nutrition, consumer economics, and the legal responsibilities of spouses to each other and as parents to their children. (2) When the manual is approved it shall be printed by the Human Resources Coordinating Commission. Copies of the manual shall be sent to the county clerk of each county. Each county clerk shall give a copy to each applicant for a marriage license.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Sickle Cell Disease Detection § 402.310

KRS 402.310 to 402.340 may be cited as the Kentucky Sickle Cell Disease Detection Act of 1972.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Sickle Cell Disease Detection § 402.320

Every physician examining applicants for a marriage license may obtain an appropriate blood specimen from each applicant and forward same to the Division of Laboratory Services, Cabinet for Health and Family Services, or to a laboratory approved by the cabinet, to ascertain the existence or nonexistence of sickle cell trait or sickle cell disease, or any other genetically transmitted disease which affects hemoglobin. In the event the laboratory tests indicate that both applicants are carriers of a trait or disease, the physician may provide genetic counseling or refer the applicants to the cabinet or to an agency approved by the cabinet for such counseling.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Sickle Cell Disease Detection § 402.340

The secretary for health and family services shall adopt rules and regulations for the proper administration and enforcement of KRS 402.310 to 402.340.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Penalties § 402.990

(1) Any party to a marriage prohibited by KRS 402.010 shall be guilty of a Class B misdemeanor. If the parties continue after conviction to cohabit as man and wife, either or both of them shall be guilty of a Class A misdemeanor. (2) Any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a Class B misdemeanor. (3) Any authorized person who knowingly solemnizes a marriage prohibited by this chapter shall be guilty of a Class A misdemeanor. (4) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother, or guardian of an applicant in obtaining a license shall be guilty of a Class D felony. (5) Any person who falsely and fraudulently represents or personates another, and in such assumed character marries that person, shall be guilty of a Class D felony. Indictment under this subsection shall be found only upon complaint of the injured party and within two (2) years after the commission of the offense. (6) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be guilty of a Class A misdemeanor and removed from office by the judgment of the court in which he is convicted. (7) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be guilty of a Class A misdemeanor. (8) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be guilty of a Class A misdemeanor, and if he knowingly issues a license for a marriage prohibited by this chapter, he shall be guilty of a Class A misdemeanor. (9) Any person who violates any of the provisions of KRS 402.090 shall be guilty of a violation. (10) Any county clerk who violates any of the provisions of KRS 402.110 or 402.230 shall be guilty of a violation. (11) Any person failing to make the return required of him by KRS 402.220 shall be guilty of a violation.

Kentucky Revised Statutes - Title XXXV: Domestic Relations - Chapter 402: Marriage - Solemnization § 402.050

(1) Marriage shall be solemnized only by: (a) Ministers of the gospel or priests of any denomination in regular communion with any religious society; (b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or (c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society. (2) At least two (2) persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.