

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER C. CEREMONY AND RETURN OF LICENSE § Sec. 2.202

(a) The following persons are authorized to conduct a marriage ceremony: (1) a licensed or ordained Christian minister or priest; (2) a Jewish rabbi; (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; and (4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, or judge or magistrate of a federal court of this state. (b) For the purposes of this section, a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or who has an aggregate of at least 12 years of service as judge or justice of any type listed in Subsection (a)(4). (c) Except as provided by Subsection (d), a person commits an offense if the person knowingly conducts a marriage ceremony without authorization under this section. An offense under this subsection is a Class A misdemeanor. (d) A person commits an offense if the person knowingly conducts a marriage ceremony of a minor whose marriage is prohibited by law or of a person who by marrying commits an offense under Section 25.01, Penal Code. An offense under this subsection is a felony of the third degree.

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A county clerk or deputy county clerk who violates or fails to comply with this subchapter commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

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In order to promote the public health and welfare and to provide the necessary records, this code specifies detailed rules to be followed in establishing the marriage relationship. However, in order to provide stability for those entering into the marriage relationship in good faith and to provide for an orderly determination of parentage and security for the children of the relationship, it is the policy of this state to preserve and uphold each marriage against claims of invalidity unless a strong reason exists for holding the marriage void or voidable. Therefore, every marriage entered into in this state is presumed to be valid unless expressly made void by Chapter 6 or unless expressly made voidable by Chapter 6 and annulled as provided by that chapter.

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When two or more marriages of a person to different spouses are alleged, the most recent marriage is presumed to be valid as against each marriage that precedes the most recent marriage until one who asserts the validity of a prior marriage proves the validity of the prior marriage.

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The law of this state applies to persons married elsewhere who are domiciled in this state.

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Except as expressly provided by statute or by the constitution, a person, regardless of age, who has been married in accordance with the law of this state has the capacity and power of an adult, including the capacity to contract.

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(a) A man and a woman desiring to enter into a ceremonial marriage must obtain a marriage license from the county clerk of any county of this state. (b) A license may not be issued for the marriage of persons of the same sex.

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A promise or agreement made on consideration of marriage or nonmarital conjugal cohabitation is not enforceable unless the promise or agreement or a memorandum of the promise or agreement is in writing and signed by the person obligated by the promise or agreement.

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Except as provided by Section 2.006, each person applying for a license must: (1) appear before the county clerk; (2) submit the person's proof of identity and age as provided by Section 2.005(b); (3) provide the information applicable to that person for which spaces are provided in the application for a marriage license; (4) mark the appropriate boxes provided in the application; and (5) take the oath printed on the application and sign the application before the county clerk.

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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 under Section 2.103 authorizing the marriage of the person.

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(a) The county clerk shall furnish the application form as prescribed by the bureau of vital statistics. (b) The application form must contain: (1) a heading entitled "Application for Marriage License, _____ County, Texas"; (2) spaces for each applicant's full name, including the woman's maiden surname, address, social security number, if any, date of birth, and place of birth, including city, county, and state; (3) a space for indicating the document tendered by each applicant as proof of identity and age; (4) spaces for indicating whether each applicant has been divorced within the last 30 days; (5) printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently married and the other applicant is not presently married."; (6) printed boxes for each applicant to check "true" or "false" in response to the following statement: "The other applicant is not related to me as: (A) an ancestor or descendant, by blood or adoption; (B) a brother or sister, of the whole or half blood or by adoption; (C) a parent's brother or sister, of the whole or half blood or by adoption; (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption; (E) a current or former stepchild or stepparent; or (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption."; (7) printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently delinquent in the payment of court-ordered child support."; (8) a printed oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS CORRECT."; (9) spaces immediately below the printed oath for the applicants' signatures; (10) a certificate of the county clerk that: (A) each applicant made the oath and the date and place that it was made; or (B) an applicant did not appear personally but the prerequisites for the license have been fulfilled as provided by this chapter; (11) spaces for indicating the date of the marriage and the county in which the marriage is performed; and (12) a space for the address to which the applicants desire the completed license to be mailed. (c) An applicant commits an offense if the applicant knowingly provides false information under Subsection (b)(1), (2), (3), or (4). An offense under this subsection is a Class C misdemeanor. (d) An applicant commits an offense if the applicant knowingly provides false information under Subsection (b)(5) or (6). An offense under this subsection is a Class A misdemeanor.

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(a) The county clerk shall require proof of the identity and age of each applicant. (b) The proof must be established by: (1) a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license; (2) a United States passport; (3) a current passport issued by a foreign country or a consular document issued by a state or national government; (4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph; (5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph; (6) an original or certified copy of a birth certificate issued by a bureau of vital

statistics for a state or a foreign government; (7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State; (8) an original or certified copy of a court order relating to the applicant's name change or sex change; (9) school records from a secondary school or institution of higher education; (10) an insurance policy continuously valid for the two years preceding the date of the application for a license; (11) a motor vehicle certificate of title; (12) military records, including documentation of release or discharge from active duty or a draft record; (13) an unexpired military dependent identification card; (14) an original or certified copy of the applicant's marriage license or divorce decree; (15) a voter registration certificate; (16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States; (17) a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code; (18) a temporary driving permit or a temporary identification card issued by the Department of Public Safety; or (19) an offender identification card issued by the Texas Department of Criminal Justice. (c) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of an applicant's identity or age under this section. An offense under this subsection is a Class A misdemeanor.

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(a) If an applicant is unable to appear personally before the county clerk to apply for a marriage license, any adult person or the other applicant may apply on behalf of the absent applicant. (b) The person applying on behalf of an absent applicant shall provide to the clerk: (1) notwithstanding Section 132.001, Civil Practice and Remedies Code, the notarized affidavit of the absent applicant as provided by this subchapter; (2) proof of the identity and age of the absent applicant under Section 2.005(b); and (3) if required because the absent applicant is a person under 18 years of age, documents establishing that a prior marriage has been dissolved, a court order authorizing the marriage of the absent, underage applicant, or documents establishing consent by a parent or a person who has legal authority to consent to the marriage, including: (A) proof of identity of the parent or person with legal authority to consent to the marriage under Section 2.005(b); and (B) proof that the parent or person has the legal authority to consent to the marriage for the applicant under rules adopted under Section 2.102(j). (c) Notwithstanding Subsection (a), the clerk may not issue a marriage license for which both applicants are absent unless the person applying on behalf of each absent applicant provides to the clerk an affidavit of the applicant declaring that the applicant is: (1) on active duty as a member of the armed forces of the United States or the state military forces; or (2) confined in a correctional facility, as defined by Section 1.07, Penal Code.

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Materials providing information about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) shall be prepared and provided to the clerk by the Texas Department of Health and shall be designed to inform the applicants about: (1) the incidence and mode of transmission of AIDS and HIV; (2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any

other probable causative agent of AIDS; and (3) available and appropriate counseling services regarding AIDS and HIV infection.

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The affidavit of an absent applicant must include: (1) the absent applicant's full name, including the maiden surname of a female applicant, address, date of birth, place of birth, including city, county, and state, citizenship, and social security number, if any; (2) a declaration that the absent applicant has not been divorced within the last 30 days; (3) a declaration that the absent applicant is: (A) not presently married; or (B) married to the other applicant and they wish to marry again; (4) a declaration that the other applicant is not presently married and is not related to the absent applicant as: (A) an ancestor or descendant, by blood or adoption; (B) a brother or sister, of the whole or half blood or by adoption; (C) a parent's brother or sister, of the whole or half blood or by adoption; (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption; (E) a current or former stepchild or stepparent; or (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption; (5) a declaration that the absent applicant desires to marry and the name, age, and address of the person to whom the absent applicant desires to be married; (6) the approximate date on which the marriage is to occur; (7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and (8) if the absent applicant will be unable to attend the ceremony, the appointment of any adult, other than the other applicant, to act as proxy for the purpose of participating in the ceremony.

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(a) The county clerk shall: (1) determine that all necessary information, other than the date of the marriage ceremony, the county in which the ceremony is conducted, and the name of the person who performs the ceremony, is recorded on the application and that all necessary documents are submitted; (2) administer the oath to each applicant appearing before the clerk; (3) have each applicant appearing before the clerk sign the application in the clerk's presence; and (4) execute the clerk's certificate on the application. (b) A person appearing before the clerk on behalf of an absent applicant is not required to take the oath on behalf of the absent applicant.

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(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 16 years of age and has not been granted a court order as provided by Section 2.103; (4) is 16 years of age or older but under 18 years of age and has not presented at least one of the following: (A) parental consent as provided by Section 2.102; (B) documents establishing that a prior marriage of the applicant has been dissolved; or (C) a court order as provided by Section 2.103; (5) 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 (6) 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. (b) If an applicant checks "false" in response to the statement "I am not presently married and the other applicant is not presently married," the county clerk shall inquire as to whether the applicant is presently married to the other applicant. If the applicant states that the applicant is currently married to the other applicant, the county clerk shall record that statement on the license before the administration of the oath. The county clerk may not refuse to issue a license on the ground that the applicants are already married to each other. (c) On the proper execution of the application, the clerk shall: (1) prepare the license; (2) enter on the license the names of the licensees, the date that the license is issued, and, if applicable, the name of the person appointed to act as proxy for an absent applicant, if any; (3) record the time at which the license was issued; (4) distribute to each applicant printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) and note on the license that the distribution was made; and (5) distribute to each applicant a premarital education handbook provided by the attorney general under Section 2.014. (d) The county clerk may not refuse to issue a license to an applicant on the ground that the applicant checked "false" in response to the statement "I am not presently delinquent in the payment of court-ordered child support."

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(a) Each person applying for a marriage license is encouraged to attend a premarital education course of at least eight hours during the year preceding the date of the application for the license. (b) A premarital education course must include instruction in: (1) conflict management; (2) communication skills; and (3) the key components of a successful marriage. (c) A course under this section should be offered by instructors trained in a skills-based and research-based marriage preparation curricula. The following individuals and organizations may provide courses: (1) marriage educators; (2) clergy or their designees; (3) licensed mental health professionals; (4) faith-based organizations; and (5) community-based organizations. (d) The curricula of a premarital education course must meet the requirements of this section and provide the skills-based and research-based curricula of: (1) the United States Department of Health and Human Services healthy marriage initiative; (2) the National Healthy Marriage Resource Center; (3) criteria developed by the Health and Human Services Commission; or (4) other similar resources. (e) The Health and Human Services Commission shall maintain an Internet website on which individuals and organizations described by Subsection (c) may electronically register with the commission to indicate the skills-based and research-based curriculum in which the registrant is trained. (f) A person who provides a premarital education course shall provide a signed and dated completion certificate to each individual who completes the course. The certificate must include the name of the course, the name of the course provider, and the completion date.

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(a) The family trust fund is created as a trust fund with the state comptroller and shall be administered by the attorney general for the beneficiaries of the fund. (b) Money in the trust fund is derived from depositing \$3 of each marriage license fee as authorized under Section 118.018(c), Local Government Code, and may be used only for: (1) the development and distribution of a premarital education handbook; (2) grants to institutions of higher education having academic departments that are capable of research on marriage and divorce that will assist in determining programs, courses, and policies to help strengthen families and assist children whose parents are divorcing; (3) support for counties to create or administer free or low-cost premarital education courses; (4) programs intended to reduce the amount of delinquent child support; and (5) other programs the attorney general determines will assist families in this state. (c) The premarital education handbook under Subsection (b)(1) shall be distributed to each applicant for a marriage license as provided by Section 2.009(c)(5) and shall contain information on: (1) conflict management; (2) communication skills; (3) children and parenting responsibilities; and (4) financial responsibilities. (d) The attorney general shall appoint an advisory committee to assist in the development of the premarital education handbook. The advisory committee shall consist of nine members, including at least three members who are eligible under Section 2.013(d) to provide a premarital education course. A member of the advisory committee is not entitled to reimbursement of the member's expenses.

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Except as otherwise provided by this subchapter or on a showing that a prior marriage has been dissolved, a county clerk may not issue a marriage license if either applicant is under 18 years of age.

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(a) If an applicant is 16 years of age or older but under 18 years of age, the county clerk shall issue the license if parental consent is given as provided by this section. (b) Parental consent must be evidenced by a written declaration on a form supplied by the county clerk in which the person consents to the marriage and swears that the person is a parent (if there is no person who has the court-ordered right to consent to marriage for the applicant) or a person who has the court-ordered right to consent to marriage for the applicant (whether an individual, authorized agency, or court). (c) Except as otherwise provided by this section, consent must be acknowledged before a county clerk. (d) If the person giving parental consent resides in another state, the consent may be acknowledged before an officer authorized to issue marriage licenses in that state. (e) If the person giving parental consent is unable because of illness or incapacity to comply with the provisions of Subsection (c) or (d), the consent may be acknowledged before any officer authorized to take acknowledgments. A consent under this subsection must be accompanied by a physician's affidavit stating that the person giving parental consent is unable to comply because of illness or incapacity. (f) Parental consent must be given at the time the application for the marriage license is made or not earlier than the 30th day preceding the date the application is made. (g) A person commits an offense if the person knowingly provides parental consent for an underage applicant under this section and the person is not a parent or a person who has the court-ordered right to consent to marriage for the applicant. An offense under this subsection is a Class A misdemeanor. (h) A parent or a person who has the court-ordered right to consent to marriage for the applicant commits an offense if the parent or other person knowingly provides parental consent

under this section for an applicant who is younger than 16 years of age or who is presently married to a person other than the person the applicant desires to marry. An offense under this subsection is a felony of the third degree. (i) A parent or person who has the legal authority to consent to marriage for an underage applicant who gives consent under this section shall provide: (1) proof of the parent's or person's identity under Section 2.005(b); and (2) proof that the parent or person has the legal authority to consent to marriage for the applicant under rules adopted under Subsection (j). (j) The executive commissioner of the Health and Human Services Commission shall adopt rules detailing acceptable proof of the legal authority to consent to the marriage of an underage applicant. In adopting rules, the executive commissioner shall ensure that the rules: (1) adequately protect against fraud; and (2) do not create an undue burden on any class of person legally entitled to consent to the marriage of an underage applicant.

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(a) A minor may petition the court in the minor's own name for an order granting permission to marry. In a suit under this section, the trial judge may advance the suit if the best interest of the applicant would be served by an early hearing. (b) The petition must be filed in the county where a parent resides if a court has not awarded another person the right to consent to marriage for the minor. If a court has awarded another person the right to consent to marriage for the minor, the petition must be filed in the county where that person resides. If no parent or person who has the court-ordered right to consent to marriage for the minor resides in this state, the petition must be filed in the county where the minor lives. (c) The petition must include: (1) a statement of the reasons the minor desires to marry; (2) a statement of whether each parent is living or is dead; (3) the name and residence address of each living parent; and (4) a statement of whether a court has awarded to a person other than a parent of the minor the right to consent to marriage for the minor. (d) Process shall be served as in other civil cases on each living parent of the minor or on a person who has the court-ordered right to consent to marriage for the minor, as applicable. Citation may be given by publication as in other civil cases, except that notice shall be published one time only. (e) The court shall appoint an amicus attorney or an attorney ad litem to represent the minor in the proceeding. The court shall specify a fee to be paid by the minor for the services of the amicus attorney or attorney ad litem. The fee shall be collected in the same manner as other costs of the proceeding. (f) If after a hearing the court, sitting without a jury, believes marriage to be in the best interest of the minor, the court, by order, shall grant the minor permission to marry.

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If a marriage ceremony has not been conducted before the 31st day after the date the license is issued, the marriage license expires.

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Except as otherwise provided by this chapter, the validity of a marriage is not affected by any fraud, mistake, or illegality that occurred in obtaining the marriage license.

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(a) On receiving an unexpired marriage license, an authorized person may conduct the marriage ceremony as provided by this subchapter. (b) A person unable to appear for the ceremony may assent to marriage by the appearance of a proxy appointed in the affidavit authorized by Subchapter A.

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(a) Except as provided by this section, a marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license. (b) The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who: (1) is a member of the armed forces of the United States and on active duty; (2) is not a member of the armed forces of the United States but performs work for the United States Department of Defense as a department employee or under a contract with the department; (3) obtains a written waiver under Subsection (c); or (4) completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk. (c) An applicant may request a judge of a court with jurisdiction in family law cases, a justice of the supreme court, a judge of the court of criminal appeals, a county judge, or a judge of a court of appeals for a written waiver permitting the marriage ceremony to take place during the 72-hour period immediately following the issuance of the marriage license. If the judge finds that there is good cause for the marriage to take place during the period, the judge shall sign the waiver. Notwithstanding any other provision of law, a judge under this section has the authority to sign a waiver under this section.

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(a) A person authorized to conduct a marriage ceremony by this subchapter is prohibited from discriminating on the basis of race, religion, or national origin against an applicant who is otherwise competent to be married. (b) On a finding by the State Commission on Judicial Conduct that a person has intentionally violated Subsection (a), the commission may recommend to the supreme court that the person be removed from office.

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(a) The person who conducts a marriage ceremony shall record on the license the date on which and the county in which the ceremony is performed and the person's name, subscribe the license, and return the license to the county clerk who issued it not later than the 30th day after the date the ceremony is conducted. (b) A person who fails to comply with this section commits an offense. An

offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

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(a) A person who is to conduct a marriage ceremony shall determine whether the license has expired from the county clerk's endorsement on the license. (b) A person who conducts a marriage ceremony after the marriage license has expired commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

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(a) The county clerk shall record a returned marriage license and mail the license to the address indicated on the application. (b) On the application form the county clerk shall record: (1) the date of the marriage ceremony; (2) the county in which the ceremony was conducted; and (3) the name of the person who conducted the ceremony.

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(a) On request, the county clerk shall issue a certified copy of a recorded marriage license. (b) If a marriage license issued by a county clerk is lost, destroyed, or rendered useless, the clerk shall issue a duplicate license. (c) If one or both parties to a marriage license discover an error on the recorded marriage license, both parties to the marriage shall execute a notarized affidavit stating the error. The county clerk shall file and record the affidavit as an amendment to the marriage license, and the affidavit is considered part of the marriage license. The clerk shall include a copy of the affidavit with any future certified copy of the marriage license issued by the clerk. (d) The executive commissioner of the Health and Human Services Commission by rule shall prescribe the form of the affidavit under Subsection (c).

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER D. VALIDITY OF MARRIAGE § Sec. 2.302

The validity of a marriage is not affected by the lack of authority of the person conducting the marriage ceremony if: (1) there was a reasonable appearance of authority by that person; (2) at least one party to the marriage participated in the ceremony in good faith and that party treats the marriage as valid; and (3) neither party to the marriage: (A) is a minor whose marriage is prohibited by law; or (B) by marrying commits an offense under Section 25.01, Penal Code.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES § Sec. 2.401

(a) In a judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that: (1) a declaration of their marriage has been signed as provided by this subchapter; or (2) the man and woman agreed to be married and after the agreement they lived together in this state as husband and wife and there represented to others that they were married. (b) If a proceeding in which a marriage is to be proved as provided by Subsection (a)(2) is not commenced before the second anniversary of the date on which the parties separated and ceased living together, it is rebuttably presumed that the parties did not enter into an agreement to be married. (c) A person under 18 years of age may not: (1) be a party to an informal marriage; or (2) execute a declaration of informal marriage under Section 2.402. (d) A person may not be a party to an informal marriage or execute a declaration of an informal marriage if the person is presently married to a person who is not the other party to the informal marriage or declaration of an informal marriage, as applicable.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES § Sec. 2.402

(a) A declaration of informal marriage must be signed on a form prescribed by the bureau of vital statistics and provided by the county clerk. Each party to the declaration shall provide the information required in the form. (b) The declaration form must contain: (1) a heading entitled "Declaration and Registration of Informal Marriage, _____ County, Texas"; (2) spaces for each party's full name, including the woman's maiden surname, address, date of birth, place of birth, including city, county, and state, and social security number, if any; (3) a space for indicating the type of document tendered by each party as proof of age and identity; (4) printed boxes for each party to check "true" or "false" in response to the following statement: "The other party is not related to me as: (A) an ancestor or descendant, by blood or adoption; (B) a brother or sister, of the whole or half blood or by adoption; (C) a parent's brother or sister, of the whole or half blood or by adoption; (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption; (E) a current or former stepchild or stepparent; or (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption."; (5) a printed declaration and oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS HUSBAND AND WIFE AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT."; (6) spaces immediately below the printed declaration and oath for the parties' signatures; and (7) a certificate of the county clerk that the parties made the declaration and oath and the place and date it was made. (c) Repealed by Acts 1997, 75th Leg., ch. 1362, Sec. 4, eff. Sept. 1, 1997.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES § Sec. 2.403

(a) The county clerk shall require proof of the identity and age of each party to the declaration of informal marriage to be established by a document listed in Section 2.005(b). (b) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of the person's identity or age under this section. An offense under this subsection is a Class A misdemeanor.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES § Sec. 2.404

(a) The county clerk shall: (1) determine that all necessary information is recorded on the declaration of informal marriage form and that all necessary documents are submitted to the clerk; (2) administer the oath to each party to the declaration; (3) have each party sign the declaration in the clerk's presence; and (4) execute the clerk's certificate to the declaration. (a-1) On the proper execution of the declaration, the clerk may: (1) prepare a certificate of informal marriage; (2) enter on the certificate the names of the persons declaring their informal marriage and the date the certificate or declaration is issued; and (3) record the time at which the certificate or declaration is issued. (b) The county clerk may not certify the declaration or issue or record the certificate of informal marriage or declaration if: (1) either party fails to supply any information or provide any document required by this subchapter; (2) either party is under 18 years of age; or (3) either party checks "false" in response to the statement of relationship to the other party. (c) On execution of the declaration, the county clerk shall record the declaration or certificate of informal marriage, deliver the original of the declaration to the parties, deliver the original of the certificate of informal marriage to the parties, if a certificate was prepared, and send a copy of the declaration of informal marriage to the bureau of vital statistics. (d) An executed declaration or a certificate of informal marriage recorded as provided in this section is prima facie evidence of the marriage of the parties. (e) At the time the parties sign the declaration, the clerk shall distribute to each party printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV). The clerk shall note on the declaration that the distribution was made. The materials shall be prepared and provided to the clerk by the Texas Department of Health and shall be designed to inform the parties about: (1) the incidence and mode of transmission of AIDS and HIV; (2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and (3) available and appropriate counseling services regarding AIDS and HIV infection.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES § Sec. 2.405

A county clerk or deputy county clerk who violates this subchapter commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER F. RIGHTS AND DUTIES OF SPOUSES § Sec. 2.501

(a) Each spouse has the duty to support the other spouse. (b) A spouse who fails to discharge the duty of support is liable to any person who provides necessaries to the spouse to whom support is owed.

TEXAS STATUTES - FAMILY CODE - TITLE 1. THE MARRIAGE RELATIONSHIP - SUBTITLE A. MARRIAGE - CHAPTER 2. THE MARRIAGE RELATIONSHIP - SUBCHAPTER C. CEREMONY AND RETURN OF LICENSE § Sec. 2.202

(a) The following persons are authorized to conduct a marriage ceremony: (1) a licensed or ordained Christian minister or priest; (2) a Jewish rabbi; (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; and (4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, or judge or magistrate of a federal court of this state. (b) For the purposes of this section, a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or who has an aggregate of at least 12 years of service as judge or justice of any type listed in Subsection (a)(4). (c) Except as provided by Subsection (d), a person commits an offense if the person knowingly conducts a marriage ceremony without authorization under this section. An offense under this subsection is a Class A misdemeanor. (d) A person commits an offense if the person knowingly conducts a marriage ceremony of a minor whose marriage is prohibited by law or of a person who by marrying commits an offense under Section 25.01, Penal Code. An offense under this subsection is a felony of the third degree.