

1 AN ACT relating to child marriage.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 402.020 is amended to read as follows:

4 (1) Marriage is prohibited and void:

5 (a) With a person who has been adjudged mentally incompetent~~[disabled]~~ by a
6 court of competent jurisdiction;

7 (b) Where~~[there is a husband or wife living, from whom]~~ the person marrying
8 has not been divorced from a living spouse;

9 (c) When not solemnized or contracted in the presence of an authorized person or
10 society;

11 (d) Between members of the same sex;

12 (e) Between more than two (2) persons; and

13 (f) ~~[Except as provided in KRS 402.210,]~~With a person who at the time of
14 marriage is under eighteen (18) years of age.

15 (2) Subsection (1)(f) of this section shall not apply to a lawful marriage entered into in:

16 (a) The Commonwealth of Kentucky prior to ***the effective date of this Act if both***
17 ***parties are eighteen (18) years of age or older on the effective date of this***
18 ***Act; or***~~[July 14, 2018, or to a lawful marriage in]~~

19 (b) Another state or country prior to the parties' residence in the Commonwealth
20 of Kentucky ***if both parties are eighteen (18) years of age or older at the***
21 ***time residency is established.***

22 ➔Section 2. KRS 402.030 is amended to read as follows:

23 (1) Courts having general jurisdiction may declare void any marriage obtained by force
24 or fraud~~[, or, provided that the petition is brought by a party who was under the age~~
25 ~~of majority as defined by KRS 2.015 at the time of marriage, a marriage obtained~~
26 ~~by duress]~~.

27 (2) Upon petition~~[At the instance]~~ of any next friend, courts having general

1 jurisdiction;

2 (a) May declare any marriage void where the person was under eighteen (18)
3 years of age at the time of the marriage; and

4 (b) Shall declare any marriage void where the person is under eighteen (18)
5 years of age at the time the petition is filed, ~~and the marriage was without~~
6 ~~the consent required by KRS 402.210~~.

7 ➔Section 3. KRS 402.080 is amended to read as follows:

8 No marriage shall be solemnized without a marriage license~~[therefor]~~. The license~~[shall~~
9 ~~be issued by the clerk of the county in which the female resides at the time, unless the~~
10 ~~female is eighteen (18) years of age or over or a widow, and the license is issued on her~~
11 ~~application in person, in which case it]~~ may be issued by any county clerk if the
12 requirements of Section 4 of this Act are met.

13 ➔Section 4. KRS 402.210 is amended to read as follows:

14 (1) Both parties to a marriage shall:

15 (a) Be present for a marriage license to be issued; and

16 (b) Present to the county clerk documentary proof of age in the form of:

- 17 1. A copy of a birth record;
- 18 2. A certification of birth issued by the state department of health, a local
19 registrar of vital statistics, or other public office charged with similar
20 duties by the laws of another state, territory, or country;
- 21 3. A baptismal record showing the individual's date of birth;
- 22 4. A passport;
- 23 5. An automobile driver's license;
- 24 6. Any government or school issued identification card showing the
25 individual's date of birth;
- 26 7. An immigration record showing the individual's date of birth;
- 27 8. A naturalization record showing the individual's date of birth; or

1 9. A court record or any other document or record issued by a government
2 entity showing the individual's date of birth.

3 (2) If either of the parties is under *eighteen (18)*~~[seventeen (17)]~~ years of age, no
4 license shall be issued.†

5 ~~(3) — If either of the parties is seventeen (17) years of age, a marriage license shall~~
6 ~~not be issued unless:~~

7 ~~(a) — The party who is seventeen (17) years of age presents to the clerk a certified~~
8 ~~copy of a court order by a family court or District Court judge that grants the~~
9 ~~party permission to marry and removes the party's disability of minority, as~~
10 ~~provided in KRS 402.205; and~~

11 ~~(b) — At least fifteen (15) days have elapsed since the court order was granted.]~~

12 ➔Section 5. The following KRS section is repealed:

13 402.205 Petition to court by seventeen year old for permission to marry -- Evidentiary
14 hearing -- Reasons for denying petition -- Effect of pregnancy -- Emancipation of
15 minor -- Other court-imposed condition -- Fee.