

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.