

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           the Commonwealth of Kentucky prior to the effective date of this Act~~July 14,~~  
17           2018], or to a lawful marriage in another state or country prior to the parties'  
18           residence in the Commonwealth of Kentucky.

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

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

24    (2) Upon petition~~[At the instance]~~ of any next friend, courts having general jurisdiction  
25           may declare any marriage void where the person was under eighteen (18) years of  
26           age at the time of the marriage~~, and the marriage was without the consent required~~  
27           ~~by KRS 402.210]~~.

1            ➤Section 3. KRS 402.080 is amended to read as follows:

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

7            ➤Section 4. KRS 402.210 is amended to read as follows:

8    (1) Both parties to a marriage shall:

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

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

11        1. A copy of a birth record;

12        2. A certification of birth issued by the state department of health, a local  
13            registrar of vital statistics, or other public office charged with similar  
14            duties by the laws of another state, territory, or country;

15        3. A baptismal record showing the individual's date of birth;

16        4. A passport;

17        5. An automobile driver's license;

18        6. Any government or school issued identification card showing the  
19            individual's date of birth;

20        7. An immigration record showing the individual's date of birth;

21        8. A naturalization record showing the individual's date of birth; or

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

24    (2) If either of the parties is under eighteen (18)[seventeen (17)] years of age, no  
25            license shall be issued. {

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

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

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

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

7       402.205 Petition to court by seventeen year old for permission to marry -- Evidentiary  
8           hearing -- Reasons for denying petition -- Effect of pregnancy -- Emancipation of  
9           minor -- Other court-imposed condition -- Fee.