

ENROLLED ACT NO. 44, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to domestic relations; amending the minimum marriageable age; specifying that marriages involving persons under age sixteen (16) are void; making conforming amendments; specifying applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 20-1-102, 20-1-103(c)(iii), 20-1-105(b) and 20-2-101(a) by creating a new paragraph (iv) and (b) are amended to read:

20-1-102. Minimum marriageable age; exception; parental consent.

(a) At the time of marriage the parties shall be at least ~~sixteen (16)~~ eighteen (18) years of age except as otherwise provided. No person shall marry who is under the age of sixteen (16) years.

(b) All marriages involving a person ~~under sixteen (16)~~ or seventeen (17) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor. All marriages involving a person under sixteen (16) years of age are void.

(c) When either party is ~~a minor sixteen (16) or seventeen (17) years of age~~, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the ~~minor person~~ sixteen (16) or seventeen (17) years of age. Written

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consent shall be proved by the testimony of at least one (1) competent witness.

(d) Notwithstanding the provisions of this section, parties may marry without the authorization of a judge of a court of record or the consent of any other person if both of the parties are not less than sixteen (16) years of age and if every party that is under eighteen (18) years of age meets the requirements for the right to contract under W.S. 14-1-102 or has received a declaration of emancipation pursuant to W.S. 14-1-203.

20-1-103. License; required.

(c) Unless there is an order to waive the requirements of this section by a judge of a court of record in the county pursuant to W.S. 20-1-105, the clerk shall refuse to issue a license if:

(iii) Either party is a ~~minor~~ sixteen (16) or seventeen (17) years of age and the consent of a parent or guardian has not been given except as provided in W.S. 20-1-102(d).

20-1-105. Judge may order license issued.

(b) If either party is under—sixteen (16) or seventeen (17) years of age, the parents or guardians may apply to any judge of a court of record in the county of residence of the minor—person sixteen (16) or seventeen (17) years of age for an order authorizing the marriage and directing the issuance of a marriage license. If the judge believes it advisable, he shall enter an order authorizing the marriage and directing the county clerk to issue a license. Upon filing of a certified copy of the order with

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the county clerk, the county clerk shall issue a license and endorse thereon the fact of the issuance of the order. No person authorized to perform marriage ceremonies in Wyoming shall perform any marriage ceremony if either party is under the age ~~specified by this subsection unless the license contains the endorsement~~ of sixteen (16) years.

20-2-101. Void and voidable marriages defined; annulments.

(a) Marriages contracted in Wyoming are void without any decree of divorce:

(iv) When either party is under sixteen (16) years of age at the time of contracting the marriage.

(b) A marriage is voidable if solemnized when either party was ~~under the age of legal consent~~ sixteen (16) or seventeen (17) years of age unless a judge gave consent, if they separated during nonage and did not cohabit together afterwards, or if the consent of one (1) of the parties was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties.

Section 2. This act shall apply to all marriages entered into on and after the effective date of this act.

ORIGINAL HOUSE
BILL NO. HB0007

ENGROSSED

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk