

HOUSE BILL NO. HB0067

Child marriage restriction.

Sponsored by: Representative(s) Pelkey, Blake, Clifford,
Connolly and Zwonitzer and Senator(s)
Anselmi-Dalton and Nethercott

A BILL

for

1 AN ACT relating to the creation of marriage; increasing the
2 minimum marriageable age; providing an exception for
3 emancipated minors; making conforming amendments;
4 specifying applicability; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 3-2-201(b)(vi), 14-1-202(a)(i) by
10 creating a new subparagraph (F), 20-1-102(a) and (b),
11 20-1-103(c)(iii), 20-1-105(a) and 20-2-101(a) by creating a
12 new paragraph (iv) and (b) are amended to read:

13

14 **3-2-201. Powers and duties of guardian.**

15

1 (b) The guardian may:

2

3 (vi) Consent to the marriage or adoption of the
4 ward unless otherwise prohibited by law.

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6 **14-1-202. Application for emancipation decree; effect**
7 **of decree.**

8

9 (a) Upon written application of a minor under
10 jurisdiction of the court and notwithstanding any other
11 provision of law, a district court may enter a decree of
12 emancipation in accordance with this act. In addition to
13 W.S. 14-1-101(b), the decree shall only:

14

15 (i) Recognize the minor as an adult for purposes
16 of:

17

18 (F) Entering into a civil contract of
19 marriage.

20

21 **20-1-102. Minimum marriageable age.**

22

1 (a) At the time of marriage the parties shall be at
2 least ~~sixteen (16)~~ eighteen (18) years of age except as
3 otherwise provided.

4
5 (b) All marriages involving a person under ~~sixteen~~
6 ~~(16)~~ eighteen (18) years of age are prohibited and
7 ~~voidable, void~~ unless the contracting party who was under
8 eighteen (18) years of age was emancipated pursuant to W.S.
9 14-1-201 through 14-1-206 or under the laws of another
10 state before contracting the marriage. ~~a judge of a court~~
11 ~~of record in Wyoming approves the marriage and authorizes~~
12 ~~the county clerk to issue a license therefor.~~

13
14 **20-1-103. License; required.**

15
16 (c) Unless there is an order to waive the
17 requirements of this section by a judge of a court of
18 record in the county pursuant to W.S. 20-1-105, the clerk
19 shall refuse to issue a license if:

20
21 (iii) Either party is a minor, ~~and the consent~~
22 ~~of a parent or guardian has not been given~~ except if the

1 minor is emancipated pursuant to W.S. 14-1-201 through
2 14-1-206 or under the laws of another state.

3

4 **20-1-105. Judge may order license issued.**

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6 (a) If any county clerk refuses to issue a license to
7 marry, or in case of circumstances arising which would
8 necessitate the waiver of any one (1) or more of the
9 requirements of W.S. ~~20-1-102 and~~ 20-1-103(b) and (c),
10 either applicant for the license may apply to the district
11 court of the county for the issuance of a license without
12 compliance with one (1) or more of those requirements. If
13 the judge finds that a license should be issued, or such
14 circumstances exist that it is proper that any one (1) or
15 more of the requirements should be waived, the judge may
16 order in writing the issuance of the license. Upon the
17 order of the judge being filed with the county clerk, the
18 county clerk shall issue the license at the time specified
19 in the order. No fee or court costs shall be charged or
20 taxed for the order. Unless the applicant is emancipated
21 pursuant to W.S. 14-1-201 through 14-1-206 or under the
22 laws of another state, no district court shall order the

1 issuance of a license to marry under this subsection to any
2 applicant under eighteen (18) years of age.

3

4 **20-2-101. Void and voidable marriages defined;**
5 **annulments.**

6

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

9

10 (iv) When either party was under the age of
11 legal consent and was not emancipated pursuant to W.S.
12 14-1-201 through 14-1-206 or under the laws of another
13 state before contracting the marriage.

14

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

21

22 **Section 2.** W.S. 20-1-102(c) and 20-1-105(b) are
23 repealed.

1

2 **Section 3.** This act shall apply to all marriages
3 entered into on and after the effective date of this act
4 and shall not affect any marriage entered into prior to
5 that date.

6

7 **Section 4.** This act is effective July 1, 2020.

8

9

(END)