

session 12: **handout**

REQUIREMENTS FOR GETTING MARRIED IN TEXAS

- **Where you get a marriage license** – Couples must go to a county clerk's office in person to apply for a marriage license.
- **ID requirements** – To apply for a marriage license a man and a woman must each have a valid form of ID such as a driver's license, certified copy of a birth certificate, U. S. Passport or military ID card, and their Social Security numbers.
- **Age requirements** – You must be 18 years of age to marry on your own. If you are between 16 and 18, you must have parental consent or a court order granting permission to marry. If you are younger than 16, you must have a court order granting permission to marry. Having a child has no effect on these age limits.
- **Residency requirements** – You do not have to be a resident of Texas.
- **Premarital education** – Couples are encouraged to attend a premarital education course of at least 8 hours. It should be completed in the year preceding application for a marriage license. HB 2685 (2007) requires the Texas Health and Human Services Commission to maintain a Web site on which individuals and organizations can register with the Commission to indicate the skills-based and research-based curriculum in which the registrant is trained: www.hhsc.state.tx.us (effective 9/1/08). In many locations, local community-based organizations receive grant funding in order to provide premarital education courses free.
- **Waiting period** – There is a 72-hour waiting period from the time of getting a marriage license to the marriage ceremony. This time period may be waived for members of the armed forces or by a judge, or if the couple has completed a premarital education course.
- **Fees** – Marriage licenses will be \$60, and the fee will be waived if the couple has completed a pre-marital education course. (Most counties require this paid in cash.) Military personnel being deployed to a hostile fire zone do not have to pay the fee (effective 9/1/07).

- **Who can perform a marriage in Texas?** – A licensed and ordained Christian minister or priest, Jewish rabbi, a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony, justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired judge or justice of these courts, justice of the peace, retired justice of the peace , or judge or magistrate of a federal court of this state.
- **What about common law marriage?** – Texas recognizes informal or common law marriages that meet the following requirements: the man and woman are both 18 or older, the man and woman are not currently married to someone else, the man and woman agreed to be married and after the agreement they lived together in Texas as husband and wife, and they represented to others that they were married. Informal marriages may be registered at the county clerk's office on a form provided by the Vital Statistics Unit of the Department of State Health Services.