

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1708

5 By: Representatives V. Flowers, Barker, Blake, Burch, Capp, Clowney, A. Davis, M. Davis,
6 Deffenbaugh, Della Rosa, D. Douglas, Eubanks, D. Ferguson, D. Garner, Glover, Godfrey, M. Gray, M.
7 Hodges, House, Jean, Jett, Magie, Murdock, Nicks, Perry, Petty, Pilkington, Richardson, Richey, Scott,
8 Warren, Watson
9 By: Senators G. Leding, Elliott

For An Act To Be Entitled

10
11 AN ACT TO END CHILD MARRIAGE; TO AMEND THE LAW
12 CONCERNING THE MINIMUM AGE REQUIREMENT FOR MARRIAGE;
13 AND FOR OTHER PURPOSES.
14

Subtitle

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17 TO END CHILD MARRIAGE; AND TO AMEND THE
18 LAW CONCERNING THE MINIMUM AGE
19 REQUIREMENT FOR MARRIAGE.
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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 9-11-102(a) and (b), concerning the minimum
26 age that is required to enter into a marriage contract and when parental
27 consent is required, are amended to read as follows:

28 (a) Every male who has arrived at the full age of seventeen (17) years
29 and every female who has arrived at the full age of ~~sixteen (16)~~ seventeen
30 (17) years shall be capable in law of contracting marriage.

31 (b)(1) (A) However, males and females under the age of eighteen (18)
32 years shall furnish the clerk, before the marriage license can be issued,
33 satisfactory evidence of the consent of the parent or parents or guardian to
34 the marriage.

35 (B) As used in subdivision (b)(1)(A) of this section,
36 "satisfactory evidence" means a verified affidavit signed in the presence of



1 a notary that states that the parent or parents or guardian of the minor
 2 consent to the marriage.

3 (2)(A) The consent of both parents of each contracting party
 4 shall be necessary before the marriage license can be issued by the clerk
 5 unless the parents have been divorced and custody of the child has been
 6 awarded to one (1) of the parents exclusive of the other, or unless the
 7 custody of the child has been surrendered by one (1) of the parents through
 8 abandonment or desertion, in which cases the consent of the parent who has
 9 custody of the child shall be sufficient.

10 (B) The consent of the parent may be voided by the order
 11 of a circuit court on a showing by clear and convincing evidence that:

12 (i) The parent is not fit to make decisions
 13 concerning the child; and

14 (ii) The marriage is not in the child's best
 15 interest.

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 17 SECTION 2. Arkansas Code § 9-11-103(a)(1), concerning exceptions to
 18 the minimum age that is required to enter into a marriage contract, is
 19 amended to read as follows:

20 (a)(1) If an application for a marriage license is made where one (1)
 21 or both parties are ~~under the minimum age prescribed in § 9-11-102~~ under
 22 eighteen (18) years of age but older than sixteen (16) years of age and the
 23 female is pregnant, both parties may appear before a judge of the circuit
 24 court of the district where the application for a marriage license is being
 25 made.