

SENATE FILE 237

By COMMITTEE ON COUNTY GOVERNMENT

FILED FEB 22 1973

Senate File 237  
Oakley, Chairman  
Nielsen  
Woods  
Logue  
Howell

Passed Senate, Date 4-11-73 (840) Passed House, Date \_\_\_\_\_

Vote: Ayes 36 Nays 6 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to age requirements of applicants for marriage  
2 licenses.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section five hundred ninety-five point two  
5 (595.2), unnumbered paragraph one (1), Code 1973, is amended  
6 to read as follows:

7 A marriage between a male of ~~eighteen~~ sixteen and a female  
8 of ~~sixteen~~ years of age ~~is valid~~; but if either party has not  
9 attained the age thus fixed, the marriage will be a nullity  
10 or not, at the option of such party, made known at any time  
11 before he or she is six months older than the age thus fixed.

#### EXPLANATION

12  
13 This bill changes the age that a male can contract a valid  
14 marriage from eighteen to sixteen.

15  
16  
S-315

- 1 Amend Senate File 237 as follows:  
2 1. Page 1, line 7, by striking the words "~~eighteen~~  
3 sixteen" and inserting in lieu thereof the word  
4 "~~eighteen~~".  
5 2. Page 1, line 8, by striking the word "~~sixteen~~"  
and  
6 inserting in lieu thereof the words "sixteen eighteen".

S-315 Filed. *Withdrawn 4/11*  
March 29, 1973

By BLOUIN

House - Judiciary Law Enforcement 4/13, Passed per 397 4/30  
Senate File 237  
Crawford, Chairman  
Newhard  
Jesse  
Bill 1-14-74

April 12, 1973

SENATE FILE 237

By COMMITTEE ON COUNTY GOVERNMENT  
SENATE AMENDMENTS  
SHOWN IN BOLD FACE (AS PASSED BY THE SENATE)

Passed Senate, Date..... Passed House, Date.....

Vote: Ayes ..... Nays ..... Vote: Ayes ..... Nays .....

Approved .....

## A BILL FOR

1 An Act relating to age requirements of applicants for marriage  
2 licenses, to responsibility for return of certain  
3 marriages, and to legitimacy of children born of certain  
4 marriages.

5 *Be It Enacted by the General Assembly of the State of Iowa:*

6 Section 1. Section five hundred ninety-five point  
7 two (595.2), Code 1973, is amended by striking the  
8 section and inserting in lieu thereof the following:

9 595.2 AGE. A marriage between a male and a female  
10 each eighteen years of age or older is valid. A  
11 marriage between a male and a female either or both  
12 of whom have not attained that age may be valid under  
13 the circumstances prescribed in this section.

14 1. If either party to a marriage falsely repre-  
15 sents himself or herself to be eighteen years of age  
16 or older at or before the time the marriage is  
17 solemnized, the marriage is valid unless the person  
18 who falsely represented his or her age chooses to  
19 void the marriage by making his or her true age  
20 known and verified by a birth certificate or other  
21 legal evidence of age in an annulment proceeding  
22 initiated at any time before he or she reaches his  
23 or her eighteenth birthday. A child born of a  
24 marriage voided under this subsection is legitimate.

25 2. A marriage license may be issued to a male

26 and a female either or both of whom are sixteen or  
27 seventeen years of age if:

28 a. The parents of the underaged party or parties  
29 certify in writing that they consent to the marriage.  
30 If one of the parents of any underaged party to a pro-  
31 posed marriage is dead or incompetent the certificate  
32 may be executed by the other parent, if both parents  
33 are dead or incompetent the guardian of the underaged  
34 party may execute the certificate, and if the parents  
35 are divorced the parent having legal custody may  
36 execute the certificate and

37 b. The certificate of consent of the parents,  
38 parent or guardian is approved by a judge of the  
39 district court or, if both parents of any underaged  
40 party to a proposed marriage are dead, incompetent  
41 or cannot be located and the party has no guardian,  
42 the proposed marriage is approved by a judge of the  
43 district court. A judge shall grant approval under  
44 this subsection only if he finds the underaged party  
45 or parties capable of assuming the responsibilities of  
46 marriage and that the marriage will serve the best  
47 interest of the underaged party or parties. Pregnancy  
48 alone does not establish that the proposed marriage is  
49 in the best interest of the underaged party or parties,  
50 however if pregnancy is involved the court records  
51 which pertain to the fact that the female is pregnant  
52 shall be sealed and available only to the parties to  
53 the marriage or proposed marriage or to any interested  
54 party securing an order of the court.

55 Sec. 2. Section five hundred ninety-five point three  
56 (595.3), subsection two (2), Code 1973, as amended by Acts  
57 of the Sixty-fifth General Assembly, 1973 session, Senate  
58 File 82, section 48, is amended to read as follows:

59 2. Where either party is under eighteen years of age,  
60 unless [a certificate of the consent of the parents is

61 filed] *the marriage is approved by a judge of the district*  
62 *court as provided by section five hundred ninety-five point*  
63 *two (595.2), subsection two (2), of the Code. [If one of*  
64 *the parents is dead such certificate may be executed by*  
65 *the survivor. If either parent is incompetent or his*  
66 *presence is unknown, the judge of the district court*  
67 *having jurisdiction in the county may, after hearing,*  
68 *upon proper cause shown, execute such certificate. If*  
69 *both parents are dead the guardian of a minor may*  
70 *execute the certificate but if the minor has no guardian*  
71 *then the judge of the district court having jurisdic-*  
72 *tion in the county may, after hearing, upon proper cause*  
73 *shown, execute the certificate. If the parents are*  
74 *divorced, the parent having legal custody may execute*  
75 *the certificate.]*

76 Sec. 3. Section five hundred ninety-five point six-  
77 teen (595.16), Code 1973, is amended to read as follows:

78 595.16 [HUSBAND RESPONSIBLE] **RESPONSIBILITY FOR**  
79 **RETURN.**  
80 When a marriage is consummated without the services of a clergy-  
81 man or magistrate, the required return thereof shall be made to  
82 the clerk by the husband *and wife.*

82 Sec. 4. Section five hundred ninety-five point eighteen  
83 (595.18), Code 1973, is amended to read as follows:

84 595.18 **ISSUE LEGITIMATED.** Illegitimate children become  
85 legitimate by the subsequent marriage of their parents. *Children*  
86 *born of a marriage contracted in violation of sections five*  
87 *hundred ninety-five point three (595.3) or five hundred ninety-*  
88 *five point nineteen (595.19) of the Code are legitimate.*

89 Sec. 5. Section five hundred ninety-five point eight (595.8),  
90 Code 1973, is repealed.

S-365

1 Amend the Doderer Amendment S-360 to Senate File 237,  
page 4, line 4  
2 by striking the words "or the wife or both" and insert-  
3 ing in lieu thereof the words "and wife".

S-365 Filed and adopted By COLEMAN  
April 11, 1973

S-366

1 Amend the Doderer Amendment S-360 to Senate File 237,  
page 2,  
2 line 9 by striking the period (.) and inserting in lieu  
3 thereof the word "and".

S-366 Filed and adopted By KENNEDY  
April 11, 1973

H-397

1 Amend Senate File 237, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 1, by striking lines 14 through 24 and in-  
4 serting in lieu thereof the following:  
5 "1. If either party to a marriage falsely repre-  
6 sents himself or herself to be eighteen years of age  
7 or older at or before the time the marriage is solem-  
8 nized, the marriage is valid unless annulled in an  
9 annulment proceeding initiated by either party to the  
10 marriage at any time before the party who falsely  
11 represented his or her age reaches his or her eigh-  
12 teenth birthday. A child born of a marriage annulled  
13 in accordance with this subsection is legitimate.  
14 This subsection shall prevail over any inconsistent  
15 provision of sections five hundred ninety-eight point  
16 twenty-nine (598.29) through five hundred ninety-eight  
17 point thirty-two (598.32) of the Code."  
18 2. Page 1C, following line 90 insert the follow-  
19 ing:  
20 "Sec. 6. Section five hundred ninety-five point  
21 nine (595.9), Code 1973, is amended to read as follows:  
22 595.9 VIOLATIONS. If the clerk issues a license  
23 in violation of the provisions of ~~section-595-8~~ law,  
24 or if a marriage is solemnized without its being  
25 procured, the clerk so issuing the same, and the  
26 parties married, and all persons aiding them, are  
27 guilty of a misdemeanor."

H-397 Filed  
April 30, 1973

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT  
HILL of Polk, Chairman

1 Amend Senate File 237 as follows:

2 1. By striking all after the enacting clause and  
3 inserting in lieu thereof the following:

4 Section 1. Section five hundred ninety-five point  
5 two (595.2), Code 1973, is amended by striking the  
6 section and inserting in lieu thereof the following:

7 595.2 AGE. A marriage between a male and a female  
8 each eighteen years of age or older is valid. A  
9 marriage between a male and a female either or both  
10 of whom have not attained that age may be valid under  
11 the circumstances prescribed in this section.

12 1. If either party to a marriage falsely repre-  
13 sents himself or herself to be eighteen years of age  
14 or older at or before the time the marriage is  
15 solemnized, the marriage is valid unless the person  
16 who falsely represented his or her age chooses to  
17 void the marriage by making his or her true age  
18 known and verified by a birth certificate or other  
19 legal evidence of age in an annulment proceeding  
20 initiated at any time before he or she reaches his  
21 or her eighteenth birthday. A child born of a  
22 marriage voided under this subsection is legitimate.

23 2. A marriage license may be issued to a male  
24 and a female either or both of whom are sixteen or  
25 seventeen years of age if:

Page 2

1 a. The parents of the underaged party or parties  
2 certify in writing that they consent to the marriage.  
3 If one of the parents of any underaged party to a pro-  
4 posed marriage is dead or incompetent the certificate  
5 may be executed by the other parent, if both parents  
6 are dead or incompetent the guardian of the underaged  
7 party may execute the certificate, and if the parents  
8 are divorced the parent having legal custody may  
9 execute the certificate.

10 b. The certificate of consent of the parents,  
11 parent or guardian is approved by a judge of the  
12 district court or, if both parents of any underaged  
13 party to a proposed marriage are dead, incompetent  
14 or cannot be located and the party has no guardian,  
15 the proposed marriage is approved by a judge of the  
16 district court. A judge shall grant approval under  
17 this subsection only if he finds the underaged party  
18 or parties capable of assuming the responsibilities of  
19 marriage and that the marriage will serve the best  
20 interest of the underaged party or parties. Pregnancy  
21 alone does not establish that the proposed marriage is  
22 in the best interest of the underaged party or parties,  
23 however if pregnancy is involved the court records  
24 which pertain to the fact that the female is pregnant  
25 shall be sealed and available only to the parties to

1 the marriage or proposed marriage or to any interested  
2 party securing an order of the court.

3 Sec. 2. Section five hundred ninety-five point three  
4 (595.3), subsection two (2), Code 1973, is amended by

5 of the Sixty-fifth General Assembly, 1973 session, Senate  
6 File 82, section 48, is amended to read as follows:

7 2. Where either party is under eighteen years of age,  
8 unless ~~a certificate of the consent of the parents is~~  
9 filed the marriage is approved by a judge of the district  
10 court as provided by section five hundred ninety-five

11 two (595.2), subsection two (2), of the Code. If one of  
12 the parents is dead such certificate may be executed by  
13 the survivor. If either parent is incompetent or his  
14 presence is unknown, the judge of the district court  
15 having jurisdiction in the county may, after hearing,  
16 upon proper cause shown, execute such certificate. If  
17 both parents are dead the guardian of a minor may  
18 execute the certificate but if the minor has no guardian  
19 then the judge of the district court having jurisdic-  
20 tion in the county may, after hearing, upon proper cause  
21 shown, execute the certificate. If the parents are  
22 divorced, the parent having legal custody may execute  
23 the certificate.

24 Sec. 3. Section five hundred ninety-five point six-  
25 teen (595.16), Code 1973, is amended to read as follows:

1 595.16 HUSBAND-RESPONSIBLE RESPONSIBILITY FOR RETURN.  
2 When a marriage is consummated without the services of a  
3 man or magistrate, the required return thereof shall be  
4 the clerk by the husband or the wife or both.  
5 made to

6 Sec. 4. Section five hundred ninety-five point  
7 (595.18), Code 1973, is amended to read as follows:  
8 595.18 ISSUE LEGITIMATIZED. Illegitimate children

9 become  
10 legitimate by the subsequent marriage of their parents.  
11 Children  
12 born of a marriage contracted in violation of sections  
13 five  
14 hundred ninety-five point three (595.3) or five hundred  
15 five point nineteen (595.19) of the Code are legitimate.

16 Sec. 5. Section five hundred ninety-five point eight  
17 (595.8),  
18 Code 1973, is repealed.

19 2. Page 1, line 2, by inserting after the word  
20 "licenses"  
21 the words ", to responsibility for return of certain  
22 marriages,  
23 and to legitimacy of children born of certain marriages".