

**House File 70 - Introduced**

HOUSE FILE 70

BY WOLFE

**A BILL FOR**

1 An Act relating to eligible parties to a valid marriage.

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

1 Section 1. Section 595.2, Code 2021, is amended to read as  
2 follows:

3 **595.2 Gender Eligible parties to a valid marriage — age.**

4 1. ~~Only a marriage between a male and a female is valid~~  
5 A party who otherwise meets the requirements of this chapter  
6 for a valid marriage is eligible to marry any other such party  
7 regardless of gender.

8 2. ~~Additionally, a~~ A marriage between a ~~male and a female~~  
9 two eligible parties is valid only if each is eighteen years  
10 of age or older. However, if either or both of the parties  
11 have not attained that age, the marriage may be valid under the  
12 circumstances prescribed in [this section](#).

13 3. If either party to a marriage falsely represents the  
14 party's self to be eighteen years of age or older at or before  
15 the time the marriage is solemnized, the marriage is valid  
16 unless the person who falsely represented their age chooses to  
17 void the marriage by making their true age known and verified  
18 by a birth certificate or other legal evidence of age in an  
19 annulment proceeding initiated at any time before the person  
20 reaches their eighteenth birthday. A child born of a marriage  
21 voided under [this subsection](#) is legitimate.

22 4. A marriage license may be issued to a ~~male and a female~~  
23 two eligible parties either or both of whom are sixteen or  
24 seventeen years of age if both of the following apply:

25 a. The parents of the underage party or parties certify  
26 in writing that they consent to the marriage. If one of the  
27 parents of any underage party to a proposed marriage is dead  
28 or incompetent the certificate may be executed by the other  
29 parent, if both parents are dead or incompetent the guardian  
30 of the underage party may execute the certificate, and if  
31 the parents are divorced the parent having legal custody may  
32 execute the certificate; ~~and.~~

33 b. The certificate of consent of the parents, parent, or  
34 guardian is approved by a judge of the district court or,  
35 if both parents of any underage party to a proposed marriage

1 are dead, incompetent, or cannot be located and the party has  
2 no guardian, the proposed marriage is approved by a judge  
3 of the district court. A judge shall grant approval under  
4 this subsection only if the judge finds the underage party or  
5 parties capable of assuming the responsibilities of marriage  
6 and that the marriage will serve the best interest of the  
7 underage party or parties. Pregnancy alone does not establish  
8 that the proposed marriage is in the best interest of the  
9 underage party or parties, however, if pregnancy is involved  
10 the court records which pertain to the fact that the female is  
11 pregnant shall be sealed and available only to the parties to  
12 the marriage or proposed marriage or to any interested party  
13 securing an order of the court.

14 5. If a parent or guardian withholds consent, the judge upon  
15 application of a party to a proposed marriage shall determine  
16 if the consent has been unreasonably withheld. If the judge so  
17 finds, the judge shall proceed to review the application under  
18 subsection 4, paragraph "b".

19 Sec. 2. Section 595.19, Code 2021, is amended to read as  
20 follows:

21 **595.19 Void marriages.**

22 1. Marriages between the following persons who are related  
23 by blood are void:

24 ~~a. Between a man and his father's sister, mother's sister,~~  
25 ~~daughter, sister, son's daughter, daughter's daughter,~~  
26 ~~brother's daughter, or sister's daughter.~~

27 ~~b. Between a woman and her father's brother, mother's~~  
28 ~~brother, son, brother, son's son, daughter's son, brother's~~  
29 ~~son, or sister's son.~~

30 a. Between a party and the party's aunt or uncle, child,  
31 grandchild, sibling, niece, or nephew.

32 ~~c.~~ b. Between first cousins.

33 2. Marriages between persons either of whom has a husband  
34 ~~or wife~~ spouse living are void, but, if the parties live and  
35 cohabit together after the death or divorce of the former

1 ~~husband or wife~~ spouse, such marriage shall be valid.

2 Sec. 3. NEW SECTION. 598.21 **Marriage codification.**

3 Marriage is the legally recognized union of two eligible  
4 parties. Terms relating to the marital relationship or  
5 familial relationships shall be construed consistently with  
6 this section for purposes throughout the law, whether in the  
7 context of statute, administrative or court rule, government  
8 policy, common law, or any other provisions or source of civil  
9 or criminal law.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill provides that a party who otherwise meets the  
14 requirements of Code chapter 595 (marriage) for a valid  
15 marriage is eligible to marry any other such party regardless  
16 of gender.

17 The bill provides for conforming changes in that Code  
18 chapter to include provisions relating to void marriages to be  
19 gender neutral.

20 The bill also provides that marriage is the legally  
21 recognized union of two eligible parties and that terms  
22 relating to the marital relationship or familial relationships  
23 shall be construed consistently with this provision for  
24 purposes throughout the law, whether in the context of statute,  
25 administrative or court rule, government policy, common law, or  
26 any other provisions or source of civil or criminal law.