

House File 671 - Introduced

HOUSE FILE 671

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COOLING, KONFRST, JAMES,
CROKEN, R. JOHNSON, McBURNEY,
and GAINES

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 2025, is amended to read as
2 follows:

3 **595.2 Gender — age Eligible parties to a 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 unless
16 the person who ~~falsely~~ represented their age chooses to void
17 the marriage by making their true age known and verified by a
18 birth certificate or other legal evidence of age in an annulment
19 proceeding initiated at any time before the person reaches their
20 eighteenth birthday. A child born of a marriage voided under
21 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 in
26 writing that they consent to the marriage. If one of the
27 parents of any underage party to a proposed marriage is dead or
28 incompetent the certificate may be executed by the other parent,
29 if both parents are dead or incompetent the guardian of the
30 underage party may execute the certificate, and if the parents
31 are divorced the parent having legal custody may execute the
32 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, if both
35 parents of any underage party to a proposed marriage are dead,

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

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

18 Sec. 2. Section 595.19, Code 2025, is amended to read as
19 follows:

20 **595.19 Void marriages.**

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

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

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

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

31 ~~c.~~ b. Between first cousins.

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

1 Sec. 3. NEW SECTION. **595.21 Marriage codification.**

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

8 **EXPLANATION**

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

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

14 The bill provides for conforming changes in that Code chapter
15 to include provisions relating to void marriages to be gender
16 neutral.

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