

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 19-1083.01 Brita Darling x2241

**HOUSE BILL 19-1316**

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**A BILL FOR AN ACT**

101 **CONCERNING MODERNIZING MARRIAGE LAWS RELATED TO MINORS,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits persons under 16 years of age from obtaining a marriage license.

A person who is 16 or 17 years of age may only obtain a marriage license if a juvenile court determines that the underage party is capable of assuming the responsibilities of marriage and that the marriage would serve the underage party's best interests. Prior to making this

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 18, 2019

determination, the court shall appoint a guardian ad litem for the underage party to investigate the underage party's circumstances and best interests and to file a report with the court detailing the findings and making recommendations to the court regarding the issuance of a marriage license.

The bill clarifies that both parties to a proxy marriage must be 18 years of age.

The bill prohibits complete social security numbers from appearing on marriage forms and certificates issued by county clerks and recorders.

The bill authorizes the juvenile court to appoint a guardian ad litem for purposes of judicial consent for underage marriage.

The bill clarifies that an underage married person has certain rights under law, including the right to establish a separate domicile from the married person's parents; the right to file motions and petitions in the married person's own name; the right to enter into enforceable contracts, including leases for housing; and the right to consent to their own medical care.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 14-2-106 as  
3 follows:

4 **14-2-106. License to marry.** (1) (a) When a marriage LICENSE  
5 application has been completed and signed by both parties to a  
6 prospective marriage and at least one party has appeared before the  
7 county clerk and recorder and has paid the marriage license fee of seven  
8 dollars, a fee of twenty dollars to be transmitted by the county clerk and  
9 recorder to the state treasurer and credited by the treasurer to the  
10 Colorado domestic abuse program fund created in section 39-22-802 (1),  
11 ~~C.R.S.~~, and an additional amount established pursuant to section  
12 25-2-121, ~~C.R.S.~~, such amount to be credited to the vital statistics records  
13 cash fund pursuant to section 25-2-121, ~~C.R.S.~~, the county clerk shall  
14 issue a license to marry and a marriage certificate form upon being  
15 furnished:

16 (I) Satisfactory proof that each party to the marriage will have

1 attained the age of eighteen years at the time the marriage license  
2 becomes effective; or, if over the age of sixteen years but has not attained  
3 the age of eighteen years, has ~~the consent of both parents or guardian or,~~  
4 ~~if the parents are not living together, the parent who has legal custody or~~  
5 ~~decision-making responsibility concerning such matters or with whom the~~  
6 ~~child is living or~~ judicial approval, as provided in section 14-2-108; ~~or, if~~  
7 ~~under the age of sixteen years, has both the consent to the marriage of~~  
8 ~~both parents or guardian or, if the parents are not living together, the~~  
9 ~~parent who has legal custody or decision-making responsibility~~  
10 ~~concerning such matters or with whom the child is living and judicial~~  
11 ~~approval, as provided in section 14-2-108; and~~

12 (II) Satisfactory proof that the marriage is not prohibited, as  
13 provided in section 14-2-110.

14 ~~(III) Repealed.~~

15 (b) Violation of ~~paragraph (a)(I) of this subsection (1) shall make~~  
16 SUBSECTION (1)(a)(I) OF THIS SECTION MAKES the marriage voidable.

17 ~~(c) (Deleted by amendment, L. 2000, p. 1571, § 8, effective July~~  
18 ~~1, 2000.)~~

19 (2) Repealed.

20 **SECTION 2.** In Colorado Revised Statutes, 14-2-108, **amend** (1)  
21 and (2) as follows:

22 **14-2-108. Judicial approval.** (1) The juvenile court, as defined  
23 in section 19-1-103 (17), ~~C.R.S.~~, after a reasonable effort has been made  
24 to notify the parents or ~~guardian~~ LEGAL GUARDIANS of each underage  
25 party, may order the county clerk and recorder PURSUANT TO SUBSECTION  
26 (2) OF THIS SECTION to issue a marriage license and a marriage certificate  
27 form

1           (a) to a party aged sixteen or seventeen years ~~who has no parent~~  
2 ~~or guardian, or who has no parent capable of consenting to his marriage,~~  
3 ~~or whose parent or guardian has not consented to his marriage; or OF AGE.~~

4           (b) ~~To a party under the age of sixteen years who has the consent~~  
5 ~~to his or her marriage of both parents, if capable of giving consent, or his~~  
6 ~~or her guardian or, if the parents are not living together, the parent who~~  
7 ~~has legal custody or decision-making responsibility concerning such~~  
8 ~~matters or with whom the child is living.~~

9           (2) (a) ~~A license shall be ordered to be issued~~ THE COURT MAY  
10 ORDER THE COUNTY CLERK AND RECORDER TO ISSUE A MARRIAGE LICENSE  
11 under subsection (1) of this section only if the court finds, AFTER  
12 REVIEWING THE REPORT OF THE GUARDIAN AD LITEM APPOINTED  
13 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, that the underage party  
14 is capable of assuming the responsibilities of marriage and the marriage  
15 would serve ~~his~~ THE UNDERAGE PARTY'S best interests. Pregnancy alone  
16 does not establish that the best interests of the party would be served.

17           (b) (I) PRIOR TO ORDERING THE ISSUANCE OF A MARRIAGE LICENSE  
18 TO AN UNDERAGE PARTY, THE COURT SHALL APPOINT A GUARDIAN AD  
19 LITEM FOR THE UNDERAGE PARTY AND DIRECT THE GUARDIAN AD LITEM  
20 TO INVESTIGATE THE BEST INTERESTS OF THE UNDERAGE PARTY AND TO  
21 FILE A REPORT WITH THE COURT ADDRESSING THE FACTORS SET FORTH IN  
22 SUBSECTION (2)(b)(II) OF THIS SECTION AND STATING A POSITION AS TO  
23 WHETHER THE ISSUANCE OF A MARRIAGE LICENSE TO THE UNDERAGE  
24 PARTY IS IN THE UNDERAGE PARTY'S BEST INTERESTS.

25           (II) THE COURT SHALL CONSIDER ALL RELEVANT FACTORS,  
26 INCLUDING:

27           (A) THE WISHES OF THE UNDERAGE PARTY;

1           (B) THE VIEW OF THE PARENTS OR LEGAL GUARDIANS OF THE  
2 UNDERAGE PARTY, IF KNOWN;

3           (C) THE ABILITY OF THE UNDERAGE PARTY TO ASSUME THE  
4 RESPONSIBILITIES OF MARRIAGE;

5           (D) THE CIRCUMSTANCES SURROUNDING THE MARRIAGE; AND

6           (E) THE ABILITY OF THE UNDERAGE PARTY TO MANAGE THE  
7 UNDERAGE PARTY'S FINANCIAL, PERSONAL, SOCIAL, EDUCATIONAL, AND  
8 NONFINANCIAL AFFAIRS INDEPENDENT OF THE UNDERAGE PARTY'S  
9 INTENDED SPOUSE BOTH DURING THE MARRIAGE OR UPON DISSOLUTION OF  
10 THE MARRIAGE.

11           **SECTION 3.** In Colorado Revised Statutes, 14-2-109, **amend**  
12 (2)(a)(IV) as follows:

13           **14-2-109. Solemnization and registration of marriages - proxy**  
14 **marriage.** (2) (a) The requirements for applying for a marriage license  
15 for a proxy marriage are the following:

16           (IV) ~~Notwithstanding the requirements of section 14-2-106~~  
17 ~~(1)(a)(I),~~ Both parties to the proxy marriage are eighteen years of age or  
18 older.

19           **SECTION 4.** In Colorado Revised Statutes, **add** 14-2-109.3 as  
20 follows:

21           **14-2-109.3. Rights of underage married persons.** (1) IN  
22 ADDITION TO ANY RIGHTS ESTABLISHED IN LAW, A MARRIED PERSON WHO  
23 HAS NOT ATTAINED EIGHTEEN YEARS OF AGE HAS THE FOLLOWING RIGHTS:

24           (a) THE RIGHT TO ESTABLISH A DOMICILE SEPARATE FROM THE  
25 MARRIED PERSON'S PARENTS;

26           (b) THE RIGHT TO FILE MOTIONS AND PETITIONS WITH A COURT IN  
27 THE MARRIED PERSON'S NAME AND ON THE MARRIED PERSON'S OWN

1 BEHALF;

2 (c) THE RIGHT TO ENTER INTO ENFORCEABLE CONTRACTS,  
3 INCLUDING BUT NOT LIMITED TO LEASES FOR HOUSING; AND

4 (d) THE RIGHT TO CONSENT TO AND MAKE DECISIONS CONCERNING  
5 THE MARRIED PERSON'S OWN MEDICAL CARE.

6 **SECTION 5.** In Colorado Revised Statutes, 14-2-105, **amend**  
7 (1)(a) [REDACTED] as follows:

8 **14-2-105. Marriage license and marriage certificate.** (1) The  
9 executive director of the department of public health and environment  
10 shall prescribe the form for an application for a marriage license, which  
11 must include the following information:

12 (a) Name, sex, address, LAST FOUR DIGITS OF THE social security  
13 number, AND date and place of birth of each party to the proposed  
14 marriage, ~~and for such purpose~~ WHICH proof of IDENTITY AND date of  
15 birth may be by a birth certificate, a driver's license, A PASSPORT, or other  
16 comparable evidence;

17 [REDACTED]

18 **SECTION 6.** In Colorado Revised Statutes, 19-1-111, **add** (2)(d)  
19 as follows:

20 **19-1-111. Appointment of guardian ad litem.** (2) The court  
21 may appoint a guardian ad litem in the following cases:

22 (d) FOR AN UNDERAGE PARTY SEEKING A MARRIAGE LICENSE, AS  
23 PROVIDED IN SECTION 14-2-108 (2).

24 **SECTION 7. Appropriation.** For the 2019-20 state fiscal year,  
25 \$59,850 is appropriated to the judicial department for use by the office of  
26 the child's representative. This appropriation is from the general fund. To  
27 implement this act, the office may use this appropriation as follows:

- 1 (a) \$2,250 for operating expenses; and
- 2 (b) \$57,600 for court-appointed counsel.

3 **SECTION 8. Act subject to petition - effective date -**  
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
5 the expiration of the ninety-day period after final adjournment of the  
6 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
7 2019); except that, if a referendum petition is filed pursuant to section 1  
8 (3) of article V of the state constitution against this act or an item, section,  
9 or part of this act within such period, then the act, item, section, or part  
10 will not take effect unless approved by the people at the general election  
11 to be held in November 2020 and, in such case, will take effect on the  
12 date of the official declaration of the vote thereon by the governor.

13 (2) Sections 1, 2, and 6 of this act apply to applications for  
14 marriage licenses submitted on or after the applicable effective date of  
15 this act.