

Sec. 2.006. ABSENT APPLICANT. (a) If an applicant is unable to appear personally before the county clerk to apply for a marriage license, any adult person or the other applicant may apply on behalf of the absent applicant.

(b) The person applying on behalf of an absent applicant shall provide to the clerk:

(1) notwithstanding Section [132.001](#), Civil Practice and Remedies Code, the notarized affidavit of the absent applicant as provided by this subchapter;

(2) proof of the identity and age of the absent applicant under Section [2.005\(b\)](#); and

(3) if required because the absent applicant is a person under 18 years of age, documents establishing that a prior marriage has been dissolved, a court order authorizing the marriage of the absent, underage applicant, or documents establishing consent by a parent or a person who has legal authority to consent to the marriage, including:

(A) proof of identity of the parent or person with legal authority to consent to the marriage under Section [2.005\(b\)](#); and

(B) proof that the parent or person has the legal authority to consent to the marriage for the applicant under rules adopted under Section [2.102\(j\)](#).

(c) Notwithstanding Subsection (a), the clerk may not issue a marriage license for which both applicants are absent unless the person applying on behalf of each absent applicant provides to the clerk an affidavit of the applicant declaring that the applicant is a member of the armed forces of the United States stationed in another country in support of combat or another military operation.

Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. April 17, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 947 (H.B. [858](#)), Sec. 1, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 978 (H.B. [3666](#)), Sec. 3, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 650 (H.B. [869](#)), Sec. 1, eff. September 1, 2013.

Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit of an absent applicant must include:

(1) the absent applicant's full name, including the maiden surname of a female applicant, address, date of birth, place of birth, including city, county, and state, citizenship, and social security number, if any;

(2) a declaration that the absent applicant has not been divorced within the last 30 days;

(3) a declaration that the absent applicant is:

(A) not presently married; or

(B) married to the other applicant and they wish to marry again;

(4) a declaration that the other applicant is not presently married and is not related to the absent applicant as:

(A) an ancestor or descendant, by blood or adoption;

(B) a brother or sister, of the whole or half blood or by adoption;

- (C) a parent's brother or sister, of the whole or half blood or by adoption;
 - (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;
 - (E) a current or former stepchild or stepparent; or
 - (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption;
- (5) a declaration that the absent applicant desires to marry and the name, age, and address of the person to whom the absent applicant desires to be married;
- (6) the approximate date on which the marriage is to occur;
- (7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and
- (8) the appointment of any adult, other than the other applicant, to act as proxy for the purpose of participating in the ceremony, if the absent applicant is:
- (A) a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
 - (B) unable to attend the ceremony.

Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. April 17, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 268 (S.B. [6](#)), Sec. 4.07, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 650 (H.B. [869](#)), Sec. 2, eff. September 1, 2013.



THE STATE OF _____ COUNTY OF _____

AFFIDAVIT OF ABSENT APPLICANT FOR MARRIAGE LICENSE

The form and content of this affidavit is prescribed by section 2.007 of the Texas Family Code.

Name of Absent Applicant (First, Middle, Last, Suffix)		Maiden Surname (If applicable)
Address (Street, city, state, zip)		
Date of Birth	Place of Birth (including city, county and state)	
Social Security Number	Citizenship	

I have not been divorced within the last 30 days. TRUE FALSE

I am not presently married. TRUE FALSE

I am currently married to the other applicant. TRUE FALSE

I am not presently delinquent in the payment of court ordered child support.

TRUE FALSE

The other applicant is not presently married TRUE FALSE

I am not related to the other applicant as: TRUE FALSE

- an ancestor or descendant, by blood or adoption;
- a brother or sister, of the whole or half blood or by adoption;
- a parent's brother or sister, of the whole or half blood or by adoption;
- a son or daughter of a brother or sister, of the whole or half blood or by adoption;
- a current or former stepchild or stepparent; or
- a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption;

I desire to marry:

Name of Other Applicant (First, Middle, Last, Suffix)		
Maiden Surname (If applicable)	Age	Approximate date on which the marriage is to occur
Address (Street, city, state, zip)		

The Reason I am unable to appear personally before the county clerk for the issuance of the license:

THE FOLLOWING SECTION CAN ONLY BE COMPLETED BY MEMBERS OF THE ARMED FORCES OF THE UNITED STATES STATIONED IN ANOTHER COUNTRY IN SUPPORT OF COMBAT OR ANOTHER MILITARY OPERATION WHO ARE UNABLE TO ATTEND THE CEREMONY:

Name of adult person, other than the other applicant, to act as proxy for the purpose of participating in the ceremony:

I SOLEMNLY SWEAR (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS DECLARATION IS TRUE AND CORRECT. I AM AWARE THAT MAKING A FALSE STATEMENT ON THIS DOCUMENT IS PUNISHABLE TO UP TO 2 TO 10 YEARS IN PRISON AND UP TO A \$10,000 FINE [HSC §195.003]

Your Signature: _____

Date: _____

Signature of Notary		(Seal)
Printed Name and Title:		
Subscribed and sworn before me on:	Expiration date of Commission:	