



TEXAS MARRIAGE

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The information displayed in this handout is meant for the sole use of Active Duty service members, retirees, their families and other personnel eligible for legal assistance from the Goodfellow AFB Legal Office. The information is general in nature and presented to assist those eligible persons prepare for a legal assistance appointment with a legal professional. Rights and responsibilities vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general statements providing background information presented here without discussing your specific situation with a legal professional.

Getting Married in Texas: A Comprehensive Guide

So, you're in Texas and want to get married but are unsure of the steps you need to take or the implications of a lawful marriage in the State of Texas. This guide will help answer your questions and provide a clear roadmap to ensure your marriage is legally recognized.

Texas Family Code, Marriage, and the Community Property System

Key Points:

- Texas Family Code: Governs family-related legal matters in Texas, including marriage and divorce.
- Spousal Maintenance: Texas provides for court-awarded alimony as a temporary rehabilitative measure for a divorced spouse.
- Community Property System: Texas assumes marriage as a partnership where each spouse has a vested half-interest in all community property acquired during the marriage.

Community Property vs. Separate Property:

- Community Property: Property acquired by either spouse during the marriage.
- Separate Property: Property owned by a spouse before marriage, received as a gift, inheritance, or personal injury recovery (excluding loss of earning capacity).

Residency Requirements:

- Either spouse must be a Texas domiciliary for the preceding 6 months and a resident of the county for the preceding 90 days.
- Military personnel stationed in Texas for at least 6 months and in a specific county for 90 days are considered residents for divorce purposes.

Applying for a Marriage License

Where to Apply:

Texas County Clerk's Office: Both applicants must apply in person. If one applicant cannot appear, an adult or the other applicant can apply on their behalf with the necessary documentation.

Required Documents:

- Social Security Number
- Proof of Age and Identity (e.g., Social Security card, certified birth certificate, driver's license)
- Filing Fee: Approximately \$60+ (cash only)

Waiting Period:

- 72 hours between issuance of the license and the ceremony unless waived for active duty military or by a judge.
- License is valid for 90 days.

Marriage Ceremony:

- Can occur in Texas, another state, or international waters. Ensure compliance with local laws if marrying outside Texas.

Special Cases

- Under 18: Cannot marry unless legally emancipated.
- Recently Divorced: Cannot remarry within 30 days of a finalized divorce unless marrying the same person or with a court waiver.
- Same-Sex Marriage: Legal in Texas following the U.S. Supreme Court ruling in Obergefell v. Hodges (June 26, 2015).
- Common-Law Marriage: Legal in Texas. Can be proven by filing a Declaration of Informal Marriage or meeting specific conditions (agreement to be married, cohabitation, and representation as married).
- Proxy Marriage: Allowed if one applicant cannot attend the ceremony. An adult (not the other applicant) can act as a proxy.

Officiants

Authorized Persons:

- Licensed or ordained Christian ministers or priests
- Jewish rabbis
- Officers of a religious organization authorized to conduct marriage ceremonies
- Court judges, including retired judges
- Base Chaplains: Can also officiate marriage ceremonies.

Endorsement: Officiants must endorse the marriage license and return it to the issuing County Clerk's office within 30 days after the ceremony.

Additional Information

- Blood Tests: No blood test requirement in Texas.
- Cousin Marriage: Not allowed. Parties cannot be closely related by blood or adoption.
- Residency Requirements for License: No residency requirement for obtaining a marriage license.
- Fees: Vary by county. Contact your County Clerk's office for specific fees and requirements.
- Pre-Marital Education Course: Completing a pre-marital education course can waive the license fee.

General Information for Other Jurisdictions

In the United States, marriage laws and requirements can vary significantly from state to state. It's important to be aware of these differences and to conduct thorough research to ensure compliance with the specific regulations of the state where you plan to get married. Below are a few examples of how marriage laws and requirements can differ:

- Marriage Licenses:
 - Application Process: Some states require both parties to appear in person to apply for a marriage license, while others may allow online applications.
 - Waiting Period: There may be a waiting period between the issuance of the marriage license and the wedding ceremony. For example, in some states, the waiting period can be as short as 24 hours, while in others, it may be several days.
 - Expiration: Marriage licenses typically have an expiration date, ranging from 30 days to a year, depending on the state.

- Residency Requirements:
 - Some states have no residency requirements, meaning you do not need to be a resident of the state to get married there. Others may have specific requirements for non-residents.
- Blood Tests and Medical Exams:
 - While most states no longer require blood tests or medical exams before marriage, a few states still have these requirements in place.
- Officiants:
 - States have different rules regarding who can legally officiate a wedding. Common officiants include religious leaders, judges, justices of the peace, and ordained ministers. Some states also recognize online ordinations for officiants.
- Witnesses:
 - The number of required witnesses can vary. Some states require two witnesses, while others may only require one or none at all.
- Same-Sex Marriage:
 - Same-sex marriage is legal in all 50 states following the Supreme Court's decision in Obergefell v. Hodges (2015). However, it's still important to be aware of any local regulations or requirements.
- Common Law Marriage:
 - Not all states recognize common law marriages. For those that do, specific conditions must be met, such as cohabitation and presenting yourselves as a married couple.

Given the diversity in marriage laws across the United States, it is strongly encouraged to conduct your own research on the specific requirements for the state in which you intend to get married. This can help ensure that all legal requirements are met and that your marriage is valid. You can typically find this information on the official website of the state's government or by contacting the local county clerk's office. By being well-informed, you can avoid potential legal issues and focus on enjoying your special day.

NOTE: This guide is intended for general informational purposes only and does not constitute legal advice. It is advisable to periodically verify this information and consult with a legal professional for the most current and applicable advice. If you have any questions or need to schedule an appointment with a legal assistance attorney, please call the Legal Office at 325-654-3203.