

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 767 & 1342
AN ACT

To repeal sections 451.040, 451.080, 451.090, and 452.355, RSMo, and to enact in lieu thereof four new sections relating to marriage, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 451.040, 451.080, 451.090, and
2 452.355, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 451.040, 451.080, 451.090,
4 and 452.355, to read as follows:

451.040. 1. Previous to any marriage in this state, a
2 license for that purpose shall be obtained from the officer
3 authorized to issue the same, and no marriage contracted
4 shall be recognized as valid unless the license has been
5 previously obtained, and unless the marriage is solemnized
6 by a person authorized by law to solemnize marriages.

7 2. Before applicants for a marriage license shall
8 receive a license, and before the recorder of deeds shall be
9 authorized to issue a license, the parties to the marriage
10 shall present an application for the license, duly executed
11 and signed in the presence of the recorder of deeds or their
12 deputy or electronically through an online process. If an
13 applicant is unable to sign the application in the presence
14 of the recorder of deeds as a result of the applicant's
15 incarceration or because the applicant has been called or
16 ordered to active military duty out of the state or country,
17 the recorder of deeds may issue a license if:

18 (1) An affidavit or sworn statement is submitted by
19 the incarcerated or military applicant on a form furnished
20 by the recorder of deeds which includes the necessary
21 information for the recorder of deeds to issue a marriage
22 license under this section. The form shall include, but not
23 be limited to, the following:

24 (a) The names of both applicants for the marriage
25 license;

26 (b) The date of birth of the incarcerated or military
27 applicant;

28 (c) An attestation by the incarcerated or military
29 applicant that both applicants are not related;

30 (d) The date the marriage ended if the incarcerated or
31 military applicant was previously married;

32 (e) An attestation signed by the incarcerated or
33 military applicant stating in substantial part that the
34 applicant is unable to appear in the presence of the
35 recorder of deeds as a result of the applicant's
36 incarceration or because the applicant has been called or
37 ordered to active military duty out of the state or country,
38 which will be verified by the professional or official who
39 directs the operation of the jail or prison or the military
40 applicant's military officer, or such professional's or
41 official's designee, and acknowledged by a notary public
42 commissioned by the state of Missouri at the time of
43 verification. However, in the case of an applicant who is
44 called or ordered to active military duty outside Missouri,
45 acknowledgment may be obtained by a notary public who is
46 duly commissioned by a state other than Missouri or by
47 notarial services of a military officer in accordance with
48 the Uniform Code of Military Justice at the time of
49 verification;

50 (2) The completed marriage license application of the
51 incarcerated or military applicant is submitted which
52 includes the applicant's Social Security number; except
53 that, in the event the applicant does not have a Social
54 Security number, a sworn statement by the applicant to that
55 effect; and

56 (3) A copy of a government-issued identification for
57 the incarcerated or military applicant which contains the
58 applicant's photograph. However, in such case the
59 incarcerated applicant does not have such an identification
60 because the jail or prison to which he or she is confined
61 does not issue an identification with a photo his or her
62 notarized application shall satisfy this requirement.

63 3. Each application for a license shall contain the
64 Social Security number of the applicant, provided that the
65 applicant in fact has a Social Security number, or the
66 applicant shall sign a statement provided by the recorder
67 that the applicant does not have a Social Security number.
68 The Social Security number contained in an application for a
69 marriage license shall be exempt from examination and
70 copying pursuant to section 610.024. After the receipt of
71 the application the recorder of deeds shall issue the
72 license, unless one of the parties withdraws the
73 application. The license shall be void after thirty days
74 from the date of issuance.

75 4. Any person violating the provisions of this section
76 shall be deemed guilty of a misdemeanor.

77 5. Common-law marriages shall be null and void.

78 6. Provided, however, that no marriage shall be deemed
79 or adjudged invalid, nor shall the validity be in any way
80 affected for want of authority in any person so solemnizing
81 the marriage pursuant to section 451.100, if consummated
82 with the full belief on the part of the persons, so married,

83 or either of them, that they were lawfully joined in
84 marriage.

85 7. In the event a recorder of deeds utilizes an online
86 process to accept applications for a marriage license or to
87 issue a marriage license and the applicants' identity has
88 not been verified in person, the recorder of deeds shall
89 have a two-step identity verification process or a process
90 that independently verifies the identity of such
91 applicants. Such process shall be adopted as part of any
92 electronic system for marriage licenses if the applicants do
93 not present themselves to the recorder of deeds or his or
94 her designee in person. It shall be the responsibility of
95 the recorder of deeds to ensure any process adopted to allow
96 electronic application or issuance of a marriage license
97 verifies the identities of both applicants. The recorder of
98 deeds shall not accept applications for or issue marriage
99 licenses through the process provided in this subsection
100 unless [both applicants are at least eighteen years of age
101 and] at least one of the applicants is a resident of the
102 county or city not within a county in which the application
103 was submitted.

451.080. 1. The recorders of the several counties of
2 this state, and the recorder of the city of St. Louis,
3 shall, when applied to by any person legally entitled to a
4 marriage license, issue the same which may be in the
5 following form:

6 State of Missouri)
7)
8 ss.
9)
10 County of _____)

11 This license authorizes any judge, associate
12 circuit judge, licensed or ordained preacher of
13 the gospel, or other person authorized under the
14 laws of this state, to solemnize marriage between
15 A B of _____, county of _____ and state of
16 _____, who is _____ the age of eighteen years,
17 and C D of _____, in the county of _____, state
18 of _____, who is _____ the age of eighteen
19 years.

20 2. [If the man is under eighteen or the woman under
21 eighteen, add the following:

22 The custodial parent or guardian, as the case may
23 be, of the said A B or C D (A B or C D, as the
24 case may require), has given his or her assent to
25 the said marriage.

26 Witness my hand as recorder, with the seal of
27 office hereto affixed, at my office, in _____,
28 the _____ day of _____, 20_____, recorder.

29 3.] On which such license the person solemnizing the
30 marriage shall, within fifteen days after the issuing
31 thereof, make as near as may be the following return, and
32 return such license to the officer issuing the same:

33 State of Missouri)
34)
35 ss.
36)
37 County of _____)

38 This is to certify that the undersigned _____ did
39 at _____, in said county, on the _____ day of
40 _____ A.D. 20_____, unite in marriage the above-
41 named persons.

451.090. 1. No recorder shall issue a license
2 authorizing the marriage of any male or female under

3 [sixteen] eighteen years of age [nor shall a license be
4 issued authorizing the marriage of any male or female twenty-
5 one years of age or older to a male or female under eighteen
6 years of age].

7 2. [No recorder shall issue a license authorizing the
8 marriage of any male or female under the age of eighteen
9 years, except with the consent of his or her custodial
10 parent or guardian, which consent shall be given at the
11 time, in writing, stating the residence of the person giving
12 such consent, signed and sworn to before an officer
13 authorized to administer oaths.

14 3.] The recorder shall state in every license whether
15 the parties applying for same[, one or either or both of
16 them,] are of age[, or whether the male is under the age of
17 eighteen years or the female under the age of eighteen
18 years, and if the male is under the age of eighteen years or
19 the female is under the age of eighteen years, the name of
20 the custodial parent or guardian consenting to such
21 marriage]. Applicants shall provide proof of age to the
22 recorder in the form of a certified copy of the applicant's
23 birth certificate, passport, or other government-issued
24 identification, which shall then be documented by the
25 recorder.

452.355. 1. Unless otherwise indicated, the court
2 from time to time after considering all relevant factors
3 including the financial resources of both parties, the
4 merits of the case and the actions of the parties during the
5 pendency of the action, may order a party to pay a
6 reasonable amount for the cost to the other party of
7 maintaining or defending any proceeding pursuant to sections
8 452.300 to 452.415 and for attorney's fees, including sums
9 for legal services rendered and costs incurred prior to the
10 commencement of the proceeding and after entry of a final

11 judgment. The court may order that the amount be paid
12 directly to the attorney, who may enforce the order in the
13 attorney's name.

14 2. In actions brought to enforce a temporary order or
15 final judgment of the court in any proceeding under sections
16 452.300 to 452.415, excluding any proceeding described in
17 subsection 3 of this section, the court shall order the
18 party against whom enforcement is sought, if requested and
19 for good cause shown, to pay the cost of the suit to the
20 party seeking enforcement, including attorney's fees. The
21 court may order that the amount be paid directly to the
22 attorney, who may enforce the order in the attorney's name.

23 3. In any proceeding in which the failure to pay child
24 support pursuant to a temporary order or final judgment is
25 an issue, if the court finds that the obligor has failed,
26 without good cause, to comply with such order or decree to
27 pay the child support, the court shall order the obligor, if
28 requested and for good cause shown, to pay a reasonable
29 amount for the cost of the suit to the obligee, including
30 reasonable sums for legal services. The court may order
31 that the amount be paid directly to the attorney, who may
32 enforce the order in his name.

33 **[3.]** 4. For purposes of this section, an "obligor" is
34 a person owing a duty of support and an "obligee" is a
35 person to whom a duty of support is owed.

36 **[4.]** 5. For purposes of this section, "good cause"
37 includes, but shall not be limited to, any substantial
38 reason why the obligor is unable to pay the child support as
39 ordered. Good cause does not exist if the obligor purposely
40 maintains his inability to pay.