

## HEALTH AND SAFETY CODE

## TITLE 3. VITAL STATISTICS

## CHAPTER 194. MARRIAGE AND DIVORCE RECORDS

Sec. 194.001. REPORT OF MARRIAGE. (a) The county clerk shall file with the vital statistics unit a copy of each completed marriage license application and a copy of any affidavit of an absent applicant submitted with an application. The clerk shall file the copies not later than the 90th day after the date of the application. The clerk may not collect a fee for filing the copies.

(b) The county clerk shall file with the vital statistics unit a copy of each declaration of informal marriage executed under Section 2.402, Family Code. The clerk shall file the copy not later than the 90th day after the date on which the declaration is executed.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 650 (H.B. 869), Sec. 5, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0560, eff. April 2, 2015.

Sec. 194.0011. MARRIAGE LICENSE APPLICATIONS. (a) The executive commissioner by rule shall prescribe the format and content of the department form used for the marriage license application. The form must:

- (1) require identification of the county in which the application is submitted; and
- (2) allow, but may not require, the name of the county clerk to appear on the application.

(b) The vital statistics unit shall print and distribute the department forms to each county clerk throughout the state.

- (c) The department form shall replace locally adopted forms.
- (d) A county clerk may reproduce the department form locally.

Added by Acts 1991, 72nd Leg., ch. 96, Sec. 1, eff. Sept. 1, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0561, eff. April 2, 2015.

Acts 2017, 85th Leg., R.S., Ch. 695 (H.B. 555), Sec. 2, eff. June 12, 2017.

**Sec. 194.0020. REPORT OF DIVORCE OR ANNULMENT.** (a) The department shall prescribe a form for reporting divorces and annulments of marriage. **The form must require the following information:**

- (1) each party's:
  - (A) full name;
  - (B) usual residence;
  - (C) age;
  - (D) place of birth;
  - (E) color or race; and
  - (F) number of children;
- (2) the date and place of the parties' marriage;
- (3) the date the divorce or annulment of marriage was granted; and
- (4) the court and the style and docket number of the case in which the divorce or annulment of marriage was granted.

(b) The vital statistics unit shall furnish sufficient copies of the form to each district clerk.

**(c) When an attorney presents a final judgment for a divorce or annulment of marriage to a court for a final decree, the attorney shall:**

- (1) enter on the form the information required under Subsection (a); and**
- (2) submit the report to the district clerk with the final judgment.**

(d) Not later than the ninth day of each month, each district clerk shall file with the vital statistics unit a completed report for each divorce or annulment of marriage granted in the district court during the preceding calendar month. If a report does not include the information required by Subsection (a)(3) or (4), the clerk must complete that information on the report before the clerk files the report with the unit.

(e) For each report that a district clerk files with the vital statistics unit under this section, the clerk may collect a \$1 fee as costs in the case in which the divorce or annulment of marriage is granted.

(f) If the department determines that a report filed with the department under this section requires correction, the department shall mail the report form directly to an attorney of record with respect to the divorce or annulment of marriage. The attorney shall return the corrected report form to the department. If there is no attorney of record, the department shall mail the report form to the district clerk for correction.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1128, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 186 (H.B. 723), Sec. 1, eff. May 27, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0562, eff. April 2, 2015.

Sec. 194.003. STATE INDEX. (a) The vital statistics unit shall maintain a statewide alphabetical index, under the names of both parties, of each marriage license application or declaration of informal marriage. The statewide index does not replace the indexes required in each county.

(b) The vital statistics unit shall maintain a statewide alphabetical index, under the names of both parties, of each report of divorce or annulment of marriage.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0563, eff. April 2, 2015.

Sec. 194.004. RELEASE OF INFORMATION. (a) The vital statistics unit shall furnish on request any information it has on record relating to any marriage, divorce, or annulment of marriage.

(b) The vital statistics unit may not issue:

- (1) a certificate or a certified copy of information relating to a marriage; or
- (2) a certified copy of a report of divorce or annulment of marriage.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 61, eff. Sept. 1, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0564, eff. April 2, 2015.

Sec. 194.005. HEIRLOOM WEDDING ANNIVERSARY CERTIFICATE. (a) The department shall promote the sale of an heirloom wedding anniversary certificate. The department shall solicit donated designs for the certificate from Texas artists and select the best donated designs for the form of the certificate.

(b) The department shall collect a \$50 fee for the issuance of an heirloom wedding anniversary certificate.

(c) The executive commissioner shall adopt rules designating certain milestone wedding anniversary dates and shall design and promote heirloom wedding anniversary certificates celebrating those anniversary dates.

(d) The department shall create an heirloom wedding anniversary certificate ordering system that includes printed order forms available through the department and an online ordering system.

(e) An heirloom wedding anniversary certificate produced by the department under this section must be printed on parchment paper and be not smaller than 11 inches by 14 inches in size.

(f) An heirloom wedding anniversary certificate produced by the department under this section is not a marriage license under this chapter or Chapter 2, Family Code, and does not establish and may not be used to establish a marriage relationship.

(g) The department shall deposit proceeds it receives from the issuance of heirloom wedding anniversary certificates to the credit of the childhood immunization account. The childhood immunization account is an account in the general revenue fund. Money in the account may be used only by the department for:

- (1) making grants to fund childhood immunizations and related education programs; and
- (2) administering this section.

Added by Acts 2005, 79th Leg., Ch. 1264 (H.B. 2100), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0565, eff. April 2, 2015.