

402.020 Other prohibited marriages.

- (1) Marriage is prohibited and void:
 - (a) With a person who has been adjudged mentally disabled by a court of competent jurisdiction;
 - (b) Where there is a husband or wife living, from whom the person marrying has not been divorced;
 - (c) When not solemnized or contracted in the presence of an authorized person or society;
 - (d) Between members of the same sex;
 - (e) Between more than two (2) persons; and
 - (f)
 1. Except as provided in subparagraph 3. of this paragraph, when at the time of the marriage, the person is under sixteen (16) years of age;
 2. Except as provided in subparagraph 3. of this paragraph, when at the time of marriage, the person is under eighteen (18) but over sixteen (16) years of age, if the marriage is without the consent of:
 - a. The father or the mother of the person under eighteen (18) but over sixteen (16), if the parents are married, the parents are not legally separated, no legal guardian has been appointed for the person under eighteen (18) but over sixteen (16), and no court order has been issued granting custody of the person under eighteen (18) but over sixteen (16) to a party other than the father or mother;
 - b. Both the father and the mother, if both be living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) has been issued and is in effect;
 - c. The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) was issued prior to the death of either the father or mother, which order remains in effect;
 - d. The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the person under eighteen (18) but over sixteen (16) has not been ordered; or
 - e. Another person having lawful custodial charge of the person under eighteen (18) but over sixteen (16), but
 3. In case of pregnancy the male and female, or either of them, specified in subparagraph 1. or 2. of this paragraph, may apply to a District Judge for permission to marry, which application may be granted, in the form of a written court order, in the discretion of the judge. There shall be a fee of five dollars (\$5) for hearing each such application.

- (2) For purposes of this section "parent," "father," or "mother" means the natural parent, father, or mother of a child under eighteen (18) unless an adoption takes place pursuant to legal process, in which case the adoptive parent, father, or mother shall be considered the parent, father, or mother to the exclusion of the natural parent, father, or mother, as applicable.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 122, sec. 1, effective March 26, 1998 and ch. 258, sec. 2, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 212, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 141, sec. 113, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 92, sec. 12, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 399, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 49, sec. 6; and ch. 386, sec. 90. -- Amended 1968 Ky. Acts ch. 200, sec. 10. -- Amended 1966 Ky. Acts ch. 72, sec. 1. -- Amended 1960 Ky. Acts ch. 8, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2097.

Legislative Research Commission Note (7/15/98). This section was amended by 1998 Ky. Acts chs. 122 and 258 which do not appear to be in conflict and have been codified together.

Note: 1980 Ky. Acts ch. 396, sec. 124 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.