

INSTRUCTIONS FOR COMPLETING AN ABSENT APPLICANT AFFIDAVIT

According to Texas Family Code 2.005 thru 2.007 are the rules that the County Clerk's office uses:

2.005 Proof of Identity and Age

- a) The county Clerk shall require proof of the identity and age of each applicant
- b) The proof must be established by a certified copy of the applicant's birth certificate or by some certificate, license, or document issued by this state of another state, the United States, or a foreign government.
- c) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of an applicant's identity of age under this section. An offense under this subsection is a Class A misdemeanor.

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) the affidavit of the absent applicant as provided by this subchapter;
 - 2) proof of the identity and age of the absent applicant as provided by this Subchapter; and
 - 3) if required because the absent applicant is a person under 18 years of age, the documents establishing parental consent, documents establishing that a prior marriage has been dissolved, or a court order authorizing the marriage of the absent, underage applicant.
- 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:
 - 1) on active duty as a member of the armed forces of the United States or the state military forces; or
 - 2) confined in a correctional facility, as defined by Section 1.07 Penal Code.

The attached Affidavit of Absent Applicant is to be used to apply for a marriage license when one or more parties are unable to appear in the County Clerk's office. Please read the following instructions carefully before completing the affidavit:

- 1) The party who will not be able to appear in the County Clerk's office must complete and sign this form in the presence of a notary public. **All blanks on the form must be filled in.**
- 2) The names of both parties must be printed exactly as they appear on the identification that is used to obtain the marriage license
- 3) If the absent applicant will not attend the wedding ceremony he/she must list a name for the proxy. This person needs to be present to apply for the license and must appear at the ceremony. If no proxy is needed, show "N/A" on that line.
- 4) Marriage license must be obtained at least 72 hours but not more than 30 days prior to the ceremony and must present the following:
 - a) State issued ID Card (No photocopies)
 - b) Valid Passport
 - c) Driver's license
 - d) Military ID Card
- 5) Under no circumstances will we accept an altered document as proof of identity.

You will need to contact the County Clerk's office if more information is needed. Our office hours are from 8 – 5 Monday thru Friday, except Holidays.