

ABSENT APPLICANT AFFIDAVIT INFORMATION

Texas Family Code § 2.006, 2.007

If the Affidavit is not filled out completely and correctly, it will not be accepted at the County Clerk's Office

The **Affidavit of Absent Applicant** is used to apply for a Marriage License when one party is unable to appear in the County Clerk's Office. Affidavit must be on an approved form provided by the Clerk.

The Absent Applicant must complete all items on the Affidavit and sign the Affidavit in the presence of a Notary Public (no unsworn declarations accepted). Notary acknowledgment must be complete and include original notary seal. All blanks on the form must be completed. Affidavit presented must have original signatures and notary seal with no white-out, mark-outs or alterations.

The names of both applicants (and the proxy if applicable) must be legibly printed or typed on the Affidavit exactly as they appear on the identification that will be used to obtain the Marriage License.

The applicant appearing before the clerk must present the completed original Affidavit and valid government-issued photo ID for both parties that state the correct name and date of birth/age of each applicant, as listed on the Affidavit. Applicants must be at least 18 years of age. Damaged or altered IDs will not be accepted. Only a notarized copy of the original ID will be accepted if an applicant cannot physically present their original ID.

Proxy (if applicable) - If the absent applicant is a member of the U.S. Armed Forces stationed in another country in support of combat or another military operation and will be unable to attend the ceremony, any adult over 18 except the other applicant, may act as proxy for the purpose of participating in the ceremony. The proxy's name must be legibly printed or typed on the Affidavit and marriage license. **Only the proxy named on the Affidavit and marriage license may serve as proxy for the ceremony.**

The clerk may not issue a license if:

- either applicant indicates that they have been divorced within the last 30 days, unless divorced from each other, or the prohibition against remarriage within 30 days is waived by court order;
- either applicant indicates that they are related to each other; or
- either applicant indicates they are currently married to a third party

72-Hour Waiting Period - A marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license. **The waiting period does not apply to:**

- an active-duty member of the U.S. Armed Forces
- an employee with or under contract by the U.S. Department of Defense
- a graduate of the premarital education course as required by Sec. 2.013, or
- an applicant who obtains a court waiver under Section 2.204(c)

If the marriage ceremony has not been conducted before the 90th day after the date the license is issued, the marriage license expires and the applicants must purchase a new marriage license before the ceremony. No refunds.