

AFFIDAVIT OF ABSENT APPLICANT

STATE OF TEXAS
COUNTY OF _____

1. Full Name of Applicant _____
2. Social Security Number _____
3. Address of Applicant _____
4. Applicant's Date of Birth _____
5. Applicant's Place of Birth – City, County and State _____
6. Applicant's Proof of Identity and age _____ (Include DL # or Birth Cert #)
7. If divorced, did divorce occur within the last 30 days? Yes _____ No _____
8. I am not presently married. True _____ False _____
9. I am not presently delinquent in the payment of court-ordered child support. True _____ False _____
10. The other applicant is not related to me as an ancestor or descendant by blood or adoption, a brother or sister of the whole or half blood or by adoption; or a parent's brother or sister of the whole or half blood or by adoption; or a son or daughter of brother or sister of the whole or half blood or by adoption.
True _____ False _____
11. I, _____, being the Absent Applicant do hereby declare that
I desire to marry _____ who is _____ years of age, and
resides at _____.
12. We plan to be united in marriage on _____.
13. I am unable to appear personally before the Court Clerk for the issuance of the license because _____

_____.
14. I will/will not be able to attend the ceremony.
(Name of adult person appointed to be proxy at ceremony) _____

OATH OF APPLICANT

I solemnly swear (or affirm) that the information I have given in this affidavit is true and correct.

Signature of Absent Applicant

SUBSCRIBED AND SWORN TO BEFORE ME _____ on this
the _____ day of _____, 20_____ to certify which witness my hand and seal.

Signature of Absent Applicant

FAMILY CODE CHAPTER 2. THE MARRIAGE RELATIONSHIP

Sec. 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.

Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT.

The affidavit of an absent applicant must include:

- (1) the absent applicant's full name, including the maiden surname of a female applicant, address, date of birth, place of birth, including city, county, and state, citizenship, and social security number, if any;
- (2) a declaration that the absent applicant has not been divorced within the last 30 days;
- (3) a declaration that the absent applicant is:
 - (A) not presently married; or
 - (B) married to the other applicant and they wish to marry again;
- (4) a declaration that the other applicant is not presently married and is not related to the absent applicant as:
 - (A) an ancestor or descendant, by blood or adoption;
 - (B) a brother or sister, of the whole or half blood or by adoption;
 - (C) a parent's brother or sister, of the whole or half blood or by adoption;
 - (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;
 - (E) a current or former stepchild or stepparent; or
 - (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption;
- (5) a declaration that the absent applicant desires to marry and the name, age, and address of the person to whom the absent applicant desires to be married;
- (6) the approximate date on which the marriage is to occur;
- (7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and
- (8) if the absent applicant will be unable to attend the ceremony, the appointment of any adult, other than the other applicant, to act as proxy for the purpose of participating in the ceremony.

Sec. 2.008. EXECUTION OF APPLICATION BY CLERK.

- (a) The county clerk shall:
 - (1) determine that all necessary information, other than the date of the marriage ceremony, the county in which the ceremony is conducted, and the name of the person who performs the ceremony, is recorded on the application and that all necessary documents are submitted;
 - (2) administer the oath to each applicant appearing before the clerk;
 - (3) have each applicant appearing before the clerk sign the application in the clerk's presence; and
 - (4) execute the clerk's certificate on the application.
- (b) A person appearing before the clerk on behalf of an absent applicant is not required to take the oath on behalf of the absent applicant.