

HOUSE BILL No. 2366

By Representatives Weber, Aday, Compton, Cook, Dahl, Freeborn,
Horst, Lloyd, P. Long, Mason, McCreary, Osborne, Powers and
Vickrey

2-7

AN ACT concerning marriage; relating to common-law marriages;
amending K.S.A. 2000 Supp. 23-101 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 23-101 is hereby amended to read as follows: 23-101. (a) The marriage contract is to be considered in law as a civil contract between two parties who are of opposite sex. All other marriages are declared to be contrary to the public policy of this state and are void. The consent of the parties is essential. The marriage ceremony may be regarded either as a civil ceremony or as a religious sacrament, but the marriage relation shall only be entered into, maintained or abrogated as provided by law.

(b) *Except as provided further, the state of Kansas shall recognize a common-law marriage contract between two parties who are of opposite sex only if both parties to the marriage contract are 18 years of age or older. The state of Kansas may recognize a common-law marriage contract between two parties who are of opposite sex if a party to the marriage contract is under 18 years of age with the express written consent of such party's father, mother or legal guardian. The party under 18 years of age may obtain the consent of a judge only if the party's parents or legal guardian is deceased.*

Sec. 2. K.S.A. 2000 Supp. 23-101 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.