

SESSION OF 2002

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 486**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 486 provides that Kansas will not recognize a common law marriage if either party is under the age of 18. These provisions are from HB 2366.

Background

The original bill was supported by an assistant county attorney from Butler County and a rape victim who became pregnant at age 11 and later at age 14 by a 24-year-old man. The jury in a rape trial convicted the man after several hours of deliberation regarding whether the defense of common law marriage applied.

Kansas is among a relatively small minority (11 states plus 4 more states in limited circumstances) of states that still recognize common law marriages.

Common law marriages require capacity (among other things—age 12 and 14 for females and males, respectively); agreement to marry; and holding themselves out to the community as married.

SB 486, as recommended by the Senate, would abrogate the doctrine of common law marriage in the State of Kansas after June 30, 2002, declaring such marriages entered into after that date invalid.

The bill has no fiscal impact.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>