

MARRIAGE WAIVER REQUESTS POLICY

“.....every marriage entered into in which either party shall not have attained the age of seventeen years shall be void, except where this section has been waived by a Superior Court Judge of the County in which the female resides, on a showing of necessity,” RCW 26.04.010.

The Judges and Court Commissioners of Benton-Franklin Counties Court are reluctant to allow marriage waivers for youngsters under the age of 17. Their reluctance is based on the fact that most teenage marriages fail and that individuals under 17 are typically not prepared to enter into marriage. The law states that there must be a “compelling reason” for a marriage waiver. Pregnancy is not necessarily a reason for marriage. In view of these facts, prior to their hearing any marriage waivers.

1. FINANCIAL REPORT:

This report must provide an accounting for the current assets and liabilities of each juvenile, their proposed method of support during the coming year, and a breakdown of their anticipated expenses. This financial report must be signed by the parents of the minor juvenile or a recognized, responsible fiscal agent such as a bank employee, CPA, etc.

2. MINISTERIAL REPORT:

A session must be held with a minister from a denomination of the juvenile’s choosing. The minister must make a written evaluation to the Court, including his recommendation for or against the proposed marriage. In the event that a juvenile does not wish to choose a minister, he may choose a counselor to provide this report.

3. MEDICAL EXAMINATION:

Both individuals must take a complete physical examination, and a report of the physical must be made in writing to the Court prior to the hearing.

4. COUNSELING SESSION:

Both individuals must have at least one session with a recognized professional counselor, and a report of the recommendation must be made available to the Court. In the event that a juvenile has chosen a counselor as a substitute for the ministerial report, this counseling session should be held with a second counselor. Recognized professional counselors are certified psychiatrists, psychologists, and social workers, or agency counselor at such locations as the Center for Youth Services, Mental Health and Family Counseling, Catholic Family and Child Services, Tri-City Chaplaincy, etc. If the counselor supports the marriage, he should state a “compelling reason” why the couple should be married.

When the above four reports are available in writing to the Court, the Judge will then hear the matter in a formal Court hearing, which will be scheduled upon the request of the parties wishing to marry.

Please bring your reports to the Benton-Franklin Counties Juvenile Justice Center, 5606 W. Canal Place, Suite 106, Kennewick, Washington, where you will complete an affidavit stating why a waiver should be granted. The hearing will be approximately two weeks after the reports are received.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON/FRANKLIN
JUVENILE COURT**

In the Interest of:

D.O.B.:

NO:

AFFIDAVIT FOR MARRIAGE WAIVER

That _____ is a (Male/Female) under the age of 17 years, born on or about the _____ day of _____, _____, is now residing in said County, makes this affidavit in support of (his/her) application to the Honorable Judge of the Superior Court of _____ County, for waiver of the restrictions against marriage of persons under the age of 17 years in accordance with the provisions of Chapter 230, Law of 1963, that (he/she) desires to marry _____ a (male/female) of _____ years, and show to the Court that the marriage is necessary for the following reasons:

Dated this _____ day of _____, _____

SIGNATURE

Notary Public in and for the State of Washington,
Residing in _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON/FRANKLIN
JUVENILE COURT**

In the Matter of the Welfare of

A minor

D.O.B.:

NO:

ORDER

IT APPEARING to the court that _____ is a female under the age of 17 years, born on or about the _____ day of _____, now residing in said County, and the Court being fully advised in the premises, finds that the material facts set forth in the affidavit filed herein are True, and that there is a showing of necessity for permitting the said _____ to enter into a marriage with _____.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Section I of Chapter 230, Laws of 1963, is hereby waived and the Benton County Auditor and/or the Franklin County Auditor is directed to issue a marriage license to the said _____ and _____ following proper application and the consent of the parents of said minor.

Dated this _____ day of _____, _____

JUDGE/COURT COMMISSIONER