



CERTIFICATE OF PARENTS

We, the undersigned parents of the underage applicant(s), hereby acknowledge that we have carefully read the informational statements of the Court and the application, and have participated in the counseling, if any.

\_\_\_\_\_  
Boy's Father

\_\_\_\_\_  
Girl's Father

\_\_\_\_\_  
Boy's Mother

\_\_\_\_\_  
Girl's Mother

ORDER OF COURT

Now, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above application came on for hearing, and the Court having reviewed the application and hearing the applicants, finds that it should be granted. **THEREFORE, IT IS HEREBY ORDERED** that the underage party(s) are capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underage party(s), and the Recorder/Registrar is ordered to accept the application for a Marriage License of the above-named parties.

\_\_\_\_\_  
Judge of the Second Judicial  
District of Iowa

APPLICATION TO A JUDGE OF THE DISTRICT COURT FOR  
APPROVAL OF MARRIAGE LICENSE INVOLVING AN  
INDIVIDUAL SIXTEEN OR SEVENTEEN YEARS OF AGE

This application should be read carefully and must be completed in full in connection with the request of any person or persons age sixteen or seventeen seeking a marriage license in this county.

I. STATEMENT OF THE LAW

Iowa law now provides that a marriage license may be issued to a male and a female both of whom are eighteen years of age or older without requiring any parental consent. A marriage license cannot be issued under any circumstances if either party is under sixteen years of age. A marriage license involving someone sixteen or seventeen or seventeen years of age may be issued only if:

A. The parents of the underage party or parties certify in writing that they consent to the marriage. If one of the said parents is dead or incompetent, the other parent's consent is sufficient; if both parents are dead or incompetent, the guardian of the underage party may give the consent; and if the parents are divorced, the parent having legal custody may give the necessary consent; and

B. The consent of the parents, parent or guardian is approved by a Judge of the District Court, or if both parents are dead, incompetent or cannot be located and the underage party has no guardian, the proposed marriage is approved by a Judge of the District Court.

The Judge will grant approval only if he finds the underage party or parties capable of assuming the responsibilities of marriage and that the marriage is in the best interest of the underage party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underage party or parties; however, if pregnancy is involved, the court records which pertain to the fact shall be sealed and available only to the parties to the proposed marriage or to any interested party securing an order of the Court.

If a parent or guardian withholds consent, the Judge upon application of a party to the proposed marriage shall determine if the consent has been unreasonably withheld. If the Judge so finds, he can proceed to review the application in accordance with (b) above.

## II. COURT STATEMENTS

This serious responsibility that has been placed upon the Judges of the District Court requires a decision that cannot be made routinely or with a “rubber stamp”. The future of young persons who are thinking of taking one of the most important steps in their lives is involved. A hasty judgment should not, and will not, be made.

If pregnancy is involved, the young people and their parents generally assume that there is only one thing to do--get married. The sooner the better, and give the child a name. The fact that a Judge’s approval will be necessary is often unknown until the parties come to the courthouse to apply for the license., Perhaps they have already carefully considered the alternatives to the marriage, but it is very possible that they have not. These alternatives should be thoroughly understood and considered before arriving at the conclusion that the young couple should be married.

If a pregnancy is not involved, the urgency of the situation is not generally present and a more deliberate decision can, and should be made.

The procedure required and outlined in this application is to:

1. Make sure that the parties have had the opportunity to receive competent counseling.
2. If pregnancy is involved, make clear the alternatives other than marriage that are available, and make certain that each of the parties understands his or her respective rights and obligations.
3. Provide the Court with enough information so that it can make a informed decision on the questions it must determine; namely, (a) is the underage party (or parties) capable of assuming the responsibilities of marriage, and (b) will the marriage serve the best interest of the underage party (or parties).
4. If, by chance, the application involves the refusal or absence of parental consent, then the Judge must investigate the situation very thoroughly before overruling the parents and approving the issuance of the marriage license, in spite of the absence of parental consent. This is a step the Judge will always be very reluctant to take and will require a very strong showing.
5. After the Information Sheet and other attachments are completed, they must be filed with the Recorder/Registrar, and if the presiding Judge deems it necessary arrangements must be made for a hearing. The Recorder/Registrar will assist you. The applicants and parents are expected to attend such a hearing.

### III. INSTRUCTIONS

1. TO THE APPLICANTS: Read this application carefully. Complete the Information Sheet in detail. Participate in marriage counseling and have the counselor's statement completed by your counselor. Sign the application for approval of proposed marriage.
2. TO THE PARENTS OR GUARDIAN OF THE UNDERAGE PARTY OR PARTIES:  
Read this application carefully and participate in the counseling. Sign the Certificate of Parents at the bottom of the Information Sheet. Sign the consent to Marriage of Underage Party, and have your signature(s) verified. If the Court approves the underage marriage, you will also have to sign the application for license in the Recorder's/Registrar's Office.
3. TO THE MARRIAGE COUNSELOR: The application for approval of marriage of underage persons must be supported by a counselor's statement. The counselor should schedule marital counseling sessions with the applicants for marriage and complete the counselor's statement. This statement will be presented to the Court by the applicants in support of the application for marriage of the underage person(s). If the counselor prefers to maintain the confidentiality of the report until it is received by the Court, the counselor may place it in a sealed envelope.
4. TO THE DOCTOR: If a pregnancy is involved, this application must be supported by a doctor's statement, on the doctor's letterhead and over the doctor's signature, that the female applicant has been examined and certifying that she is pregnant.

### SECTIONS IV AND V BELOW RELATE

#### TO SITUATION WHERE PREGNANCY IS INVOLVED.

#### IV. RIGHTS AND RESPONSIBILITIES OF PARTIES

Both parties should clearly understand that marriage is not compulsory under these circumstances. There are other viable alternatives.

For instance, Chapter 675 of the Code of Iowa provides that both parents of a child born out of wedlock and not legitimized by the marriage of the parents owe the child necessary maintenance, education and support. In the event of the child's death, they are liable for the child's funeral expenses. The father is also liable to pay the expenses of the mother's pregnancy and confinement.

As far as the statute mentioned in the preceding paragraph is concerned, the father can only be held liable for the child's support, maintenance and education if he acknowledges his paternity, or if it is established in court through judicial proceedings that he is the father. Once the father's paternity is established, the mother may recover from him a reasonable share of the necessary support of the child which will continue until the child attains age eighteen or until the child is legally adopted into another family.

## V. ALTERNATIVES OF MARRIAGE

There are alternatives to the marriage that should not be totally ignored in favor of the hasty or ill-advised decision to marry. These alternatives may include:

1. Placing the child with a licensed child-placing agency.
2. Placing the child for adoption by a private adoption, usually arranged with the assistance of the family doctor.
3. Keeping the child and raising it as a member of the mother's, father's or a relative's family, with the possibility of looking to the father for a share of the child's support.
4. Abortion.

COUNSELOR'S STATEMENT  
MARRIAGE OF UNDERAGE PERSONS

TO: Presiding Judge  
District Court of Iowa  
Second Judicial District

RE: \_\_\_\_\_, age \_\_\_\_\_ years.  
\_\_\_\_\_, age \_\_\_\_\_ years.

I have engaged in marital counseling with the above-named persons on \_\_\_\_\_ (dates) at \_\_\_\_\_, \_\_\_\_\_ (place).

The following subjects were discussed during the course of my counseling (please check the applicable boxes):

- Concept of Marriage-Commitment.
- Reasons for the Marriage.
- Male-Female Roles in the Marriage.
- Employment.
- Educational Plans-Disparity.
- Past Relationship of Applicants.
- Areas of Agreement-Disagreement.
- Development of Common Interests.
- Finances-Budget.
- Fidelity-Loyalty-Maturity.
- Sexual Relationship.
- Children (Upbringing; Support; Parenting).
- Solving Differences.
- Relationship with Parents and In-laws.
- Use of Alcohol-Drugs.
- Religious Life.
- If Pregnancy is involved, the alternatives listed in Part V.
- Others:

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After conferring or counseling the above-named persons, it is the opinion of the undersigned that: (1) they are capable of assuming the responsibilities of marriage; and, (2) that the marriage will serve the best interest of the underage person(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_