

No. 1984-140

AN ACT

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Amending the act of April 2, 1980 (P.L.63, No.26), entitled "An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals," further providing for grounds for annulment of void and voidable marriages.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 203 and 204 of the act of April 2, 1980 (P.L.63, No.26), known as the Divorce Code, are amended to read:

Section 203. Annulment of void and voidable marriages.

(a) In all cases where a supposed or alleged marriage shall have been contracted which is void or voidable under this act or under applicable law, either party to such supposed or alleged marriage may bring an action in annulment to have it declared null and void in accordance with the procedures provided for under this act and the Rules of Civil Procedure.

(b) *In the case of a purported common law marriage where a party was under 18 years of age, a parent or guardian of the minor may bring a declaratory judgment proceeding during the party's minority to have the marriage declared void.*

Section 204. Annulment or invalidity of void marriages.

(a) Where there has been no confirmation by cohabitation following the removal of an impediment, the supposed or alleged marriage of any person shall be deemed void in the following cases:

(1) Where either party at the time of such marriage had an existing spouse and the former marriage had not been annulled nor had there been a divorce, except where such person had obtained a decree of presumed death of the former spouse.

(2) Where the parties to such marriage are related within the prohibited degrees of consanguinity, which degrees are as follows:

- A man may not marry his mother.
- A man may not marry his father's sister.
- A man may not marry his mother's sister.
- A man may not marry his sister.
- A man may not marry his daughter.
- A man may not marry the daughter of his son or daughter.
- A woman may not marry her father.
- A woman may not marry her father's brother.
- A woman may not marry her mother's brother.
- A woman may not marry her brother.
- A woman may not marry her son.

A woman may not marry the son of her son or daughter.

(3) Where either party to such marriage was incapable of consenting by reason of insanity or serious mental disorder, or otherwise lacked capacity to consent or did not intend to assent to such marriage.

*(4) Where either party to a purported common law marriage was under 18 years of age.*

(b) In all such cases of marriages which are void, the marriage may be annulled as set forth in section 203, or its invalidity may be declared in any collateral proceeding.

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1984.

DICK THORNBURGH