

Chapter 118
(Senate Bill 159)

An Act to revise requirements pertaining to the minimum age for marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 25-1-9 be AMENDED:

~~25-1-9. Any unmarried applicant for a marriage license who is eighteen years old or older, and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. If either applicant for a marriage license is between the age of sixteen and eighteen, that applicant shall submit to the register of deeds a notarized statement of consent to marry from one parent or legal guardian of the applicant.~~Except as provided in § 25-1-13, no marriage may be contracted in this state unless both individuals applying for the marriage license have attained the age of eighteen at the time the marriage license is issued.

Section 2. That § 25-1-13 be AMENDED:

~~25-1-13. If either party is a minor, no marriage license shall be granted unless the written consent of the parent or guardian, duly acknowledged by the parent or guardian, or proved to be genuine, is filed in the office of the county register of deeds prior to issuing the license, and a memorandum of the facts shall be entered in the marriage record book with the other records of the marriage license.~~Except as provided in this section, a marriage license may be issued to two individuals, one of whom is a minor or both of whom are minors, provided that the individuals applying for the marriage license are at least sixteen years old and have obtained:

- (1) A circuit court order following a determination by the court that the marriage is voluntary and in the best interest of the minor applicant, or minor applicants, as applicable, pursuant to section 3 of this Act, a certified copy of which must be submitted to the register of deeds;
- (2) If only one applicant is a minor, written consent, notarized and submitted to the office of the county register of deeds, from:
 - (a) Two parents of the minor; or
 - (b) The legal guardian of the minor; or
- (3) If both applicants are minors, written consent, notarized and submitted to the office of the county register of deeds, from:
 - (a) Two parents of each minor;
 - (b) The legal guardian of each minor; or
 - (c) Two parents of one minor and the legal guardian of the other minor.

A marriage license may not be issued under this section if the age difference between the applicants is greater than four years.

Section 3. That a NEW SECTION be added to chapter 25-1:

If a court order is sought for the marriage of a minor pursuant to § 25-1-13, the court must conduct an in-person hearing with both applicants for the marriage license present and meet privately with each applicant.

The court shall consider and make written findings regarding:

- (1) The safety, maturity, and long-term welfare of the minor applicant, or minor applicants, as applicable; and
- (2) Whether the marriage is entered into freely, without coercion, fraud, or undue influence.

A marriage license may not be issued until thirty days after judicial approval is granted.

Section 4. That § 25-1-33 be AMENDED:

25-1-33. ~~A person who is guilty of a Class 1 misdemeanor if the person solemnizes any marriage where either of the parties is known to him to be under the age of legal consent and without the consent of his or her parents or guardian or persons having charge of him or her, or where either of the parties is known to him to be knowing that:~~

- (1) Either party who is under the age of eighteen has not met the requirements provided under § 25-1-13;
- (2) Either party is of unsound mind, or any marriage to which, within his knowledge, any; or
- (3) Any other legal impediment exists, is guilty of a Class 1 misdemeanor.

Signed March 20, 2026
