



Heather Henigan

COUNTY CLERK

HARRISON COUNTY, TEXAS



Seventy-Two Hour Waiver Information

TX Family Code Section 2.204: 72-Hour Waiting Period; EXCEPTIONS.

- a. Except as provided by this section, a marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license.
- b. The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who:
 - (1) is a member of the armed forces of the United States and on active duty;
 - (2) is not a member of the armed forces of the United States but performs work for the United States Department of Defense as a department employee or under a contract with the department;
 - (3) obtains a written waiver under Subsection (c); or
 - (4) completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.
- c. An applicant may request a judge of a court with jurisdiction in family law cases, a justice of the supreme court, a judge of the court of criminal appeals, a county judge, or a judge of a court of appeals for a written waiver permitting the marriage ceremony to take place during the 72-hour period immediately following the issuance of the marriage license. If the judge finds that there is good cause for the marriage to take place during the period, the judge shall sign the waiver. Notwithstanding any other provision of law, a judge under this section has the authority to sign a waiver under this section.

PROCESS FOR OBTAINING A 72 HOUR WAIVER FORM

To obtain a written waiver, YOU MUST do the following:

1. Obtain a marriage license from the County Clerk's Office;
2. Obtain the "Application for Waiver of the Seventy-Two Hour Waiting Period and Order" form from the District Clerk's Office;
3. Contact a Judge who will hear your "Application for Waiver of the Seventy-Two Hour Waiting Period" ;
4. Once you have contacted a judge to hear your Waiver Application, complete the "Application for Waiver of the Seventy-Two Hour Waiting Period and Order" form. The Judge will sign the Order if good cause for obtaining the Waiver is shown;
5. Upon obtaining the Judge's signature attach the **SIGNED Original** "Application for Waiver of the Seventy-Two Hour Waiting Period and Order" to the marriage license; and
6. Leave these papers with the person who performed the marriage ceremony.
7. The person performing the ceremony shall return (within 30 days) the marriage license and the attached "Application for Waiver of the Seventy-Two Hour Waiting Period and Order" to the issuing County Clerk as provided in Section 2.206 of the TX Family Code.