



March 10, 2025

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# Issuance to Incapacitated Persons Forbidden

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Issuance to Incapacitated Persons Forbidden

Reference Number: CTAS-427

No license shall be issued when it appears that the applicants or either of them is at the time drunk, insane or an imbecile. T.C.A. § 36-3-109. This statute must be very narrowly construed to avoid a finding of unconstitutionality as a result of unreasonable interference with the fundamental right of persons to marry. Op. Tenn. Att'y Gen. 98-011 (January 9, 1998). Marriages entered into in disregard of this statutory requirement are not void, but merely voidable after an appropriate proceeding. *Bryant v. Townsend*, 188 Tenn. 630, 221 S.W.2d 949 (1949); *Hunt v. Hunt*, 56 Tenn. App. 683, 412 S.W.2d 7 (1965); *Coulter v. Hendricks*, 918 S.W.2d 424 (Tenn. App. 1995).

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