



**Substitute Senate Bill No. 963**

**Public Act No. 05-10**

***AN ACT CONCERNING CIVIL UNIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2005*) For the purposes of sections 1 to 15, inclusive, of this act:

(1) "Civil union" means a union established pursuant to sections 1 to 15, inclusive, of this act between two eligible persons; and

(2) "Party to a civil union" means a person who has established a civil union pursuant to sections 1 to 15, inclusive, of this act.

Sec. 2. (NEW) (*Effective October 1, 2005*) A person is eligible to enter into a civil union if such person is:

(1) Not a party to another civil union or a marriage;

(2) Of the same sex as the other party to the civil union;

(3) Except as provided in section 10 of this act, at least eighteen years of age; and

(4) Not prohibited from entering into a civil union pursuant to section 3 of this act.

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Sec. 3. (NEW) (*Effective October 1, 2005*) (a) A woman shall not enter into a civil union with her mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister.

(b) A man shall not enter into a civil union with his father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother.

(c) A civil union between persons prohibited from entering into a civil union pursuant to subsection (a) or (b) of this section is void.

Sec. 4. (NEW) (*Effective October 1, 2005*) (a) All judges and retired judges, either elected or appointed, including federal judges and judges of other states who may legally join persons in marriage or a civil union, family support magistrates, state referees and justices of the peace may join persons in a civil union in any town in the state, and all ordained or licensed members of the clergy, belonging to this state or any other state, as long as they continue in the work of the ministry may join persons in a civil union. All civil unions solemnized according to the forms and usages of any religious denomination in this state are valid. All civil unions attempted to be celebrated by any other person are void.

(b) No public official legally authorized to issue civil union licenses may join persons in a civil union under authority of a license issued by such official, or such official's assistant or deputy; nor may any such assistant or deputy join persons in a civil union under authority of a license issued by such public official.

(c) Any person violating any provision of this section shall be fined not more than fifty dollars.

Sec. 5. (NEW) (*Effective October 1, 2005*) Any person who undertakes to join persons in a civil union, knowing that such person is not

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authorized to do so, shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

Sec. 6. (NEW) (*Effective October 1, 2005*) Any person authorized to join persons in a civil union pursuant to section 4 of this act, who fails or refuses for any reason to join persons in a civil union shall not be subject to any fine or other penalty for such failure or refusal.

Sec. 7. (NEW) (*Effective October 1, 2005*) (a) No persons may be joined in a civil union in this state until both have complied with the provisions of sections 8 to 10, inclusive, of this act and have been issued a license by the registrar of vital statistics for the town in which (1) the civil union is to be celebrated, or (2) either person to be joined in the civil union resides, which license shall bear the certification of the registrar that the persons named therein have complied with the provisions of sections 8 to 10, inclusive, of this act.

(b) Such license, when certified by the registrar, is sufficient authority for any person authorized to perform a civil union ceremony in this state to join such persons in a civil union, provided the ceremony is performed not more than sixty-five days after the date of application.

(c) Any person who joins any persons in a civil union without having received such license from them shall be fined not more than one hundred dollars.

Sec. 8. (NEW) (*Effective October 1, 2005*) No license for a civil union may be issued by the registrar of vital statistics until both persons have appeared before the registrar and made application for a license. The license shall be completed in its entirety, dated, signed and sworn to by each applicant and shall state each applicant's name, age, race, birthplace, residence, whether single, widowed or divorced and whether under the supervision or control of a conservator or guardian.

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The Social Security numbers of the two persons shall be recorded in the "administrative purposes" section of the license. If the license is signed and sworn to by the applicants on different dates, the earlier date shall be deemed the date of application. The registrar shall issue a copy of sections 1 to 15, inclusive, of this act to any person making application for a license.

Sec. 9. (NEW) (*Effective October 1, 2005*) (a) No civil union license may be issued to any applicant under the supervision or control of a conservator, appointed in accordance with sections 45a-644 to 45a-662, inclusive, of the general statutes unless the written consent of the conservator, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5a of the general statutes or authorized to take acknowledgments in any other state or country, is filed with the registrar of vital statistics.

(b) Any person who enters into a civil union without the consent provided for in subsection (a) of this section shall acquire no rights by such civil union in the property of any person who was under such control or supervision at the time the civil union was entered into.

Sec. 10. (NEW) (*Effective October 1, 2005*) No civil union license may be issued to any applicant under eighteen years of age.

Sec. 11. (NEW) (*Effective October 1, 2005*) (a) Each person who joins any person in a civil union shall certify upon the license certificate the fact, time and place of the civil union, and return it to the registrar of vital statistics of the town where it was issued, before or during the first week of the month following the celebration of the civil union. Any person who fails to do so shall be fined not more than ten dollars.

(b) If any person fails to return the certificate to the registrar of vital statistics, as required under subsection (a) of this section, the persons joined in a civil union may provide the registrar with a notarized

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affidavit attesting to the fact that they were joined in a civil union and stating the date and place of the civil union. Upon the recording of such affidavit by the registrar of vital statistics, the civil union of the affiants shall be deemed to be valid as of the date of the civil union stated in the affidavit.

Sec. 12. (NEW) (*Effective October 1, 2005*) The certificate required by section 11 of this act or an affidavit recorded pursuant to subsection (b) of said section shall be prima facie evidence of the facts stated in them.

Sec. 13. (NEW) (*Effective October 1, 2005*) All civil unions in which one or both parties are citizens of this state, celebrated in a foreign country, shall be valid, provided: (1) Each party would have legal capacity to contract such civil union in this state and the civil union is celebrated in conformity with the law of that country; or (2) the civil union is celebrated in the presence of the ambassador or minister to that country from the United States or in the presence of a consular officer of the United States accredited to such country, at a place within his or her consular jurisdiction, by any ordained or licensed member of the clergy engaged in the work of the ministry in any state of the United States or in any foreign country.

Sec. 14. (NEW) (*Effective October 1, 2005*) Parties to a civil union shall have all the same benefits, protections and responsibilities under law, whether derived from the general statutes, administrative regulations or court rules, policy, common law or any other source of civil law, as are granted to spouses in a marriage, which is defined as the union of one man and one woman.

Sec. 15. (NEW) (*Effective October 1, 2005*) Wherever in the general statutes the terms "spouse", "family", "immediate family", "dependent", "next of kin" or any other term that denotes the spousal relationship are used or defined, a party to a civil union shall be included in such use or definition, and wherever in the general statutes, except sections

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7-45 and 17b-137a of the general statutes, as amended by this act, subdivision (4) of section 45a-727a, sections 46b-20 to 46b-34, inclusive, section 46b-150d of the general statutes, as amended by this act, and section 14 of this act, the term "marriage" is used or defined, a civil union shall be included in such use or definition.

Sec. 16. Section 7-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Each person making any certificate of birth, marriage, civil union, death or fetal death, or any copy of such certificate for the commissioner, or any sexton's report required by law, shall cause the same to be typewritten or printed in a legible manner as to all material information or facts required by the provisions of sections 7-48, 7-60 [,] and 7-62b, and sections 46b-25 and 46b-29 to 46b-30, inclusive, or sections 8, 9 and 10 of this act, and contained in such certificate. If the certificate is in paper format, such person shall sign the certificate in black ink, shall state therein in what capacity such person so signs, and shall type or print in a legible manner the name of each person signing such certificate, under such person's signature. If the certificate is in an electronic format, such certificate shall be authenticated by the electronic vital records system of the department. Any certificate not complying with the requirements of this section shall be returned by the registrar with whom it is filed to the person making the same for the proper correction.

Sec. 17. Subsections (a) and (b) of section 17b-137a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Social Security number of the applicant shall be recorded on each (1) application for a license, certification or permit to engage in a profession or occupation regulated pursuant to the provisions of title 19a, 20 or 21; (2) application for a commercial driver's license or

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commercial driver's instruction permit completed pursuant to subsection (a) of section 14-44c; and (3) application for a marriage license made under section 46b-25 or for a civil union license under section 8 of this act.

(b) The Social Security number of any individual who is subject to a dissolution of marriage decree, dissolution of civil union decree, support order or paternity determination or acknowledgment shall be placed in the records relating to the matter.

Sec. 18. Subdivision (7) of section 45a-106 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(7) For proceedings brought under section 46b-30 or section 10 of this act, the cost shall be twenty-five dollars.

Sec. 19. Subsection (c) of section 45a-676 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(c) For purposes of sections 45a-669 to [45a-784] ~~45a-684~~, inclusive, and section 46b-29 and section 9 of this act, any alleged inability of the respondent must be evidenced by recent behavior which would cause harm or create a risk of harm, by clear and convincing proof.

Sec. 20. Section 46b-150d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

An order that a minor is emancipated shall have the following effects: (a) The minor may consent to medical, dental or psychiatric care, without parental consent, knowledge or liability; (b) the minor may enter into a binding contract; (c) the minor may sue and be sued in his own name; (d) the minor shall be entitled to his own earnings and shall be free of control by his parents or guardian; (e) the minor

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may establish his own residence; (f) the minor may buy and sell real and personal property; (g) the minor may not thereafter be the subject of a petition under section 46b-129 as an abused, dependent, neglected or uncared for child or youth; (h) the minor may enroll in any school or college, without parental consent; (i) the minor shall be deemed to be over eighteen years of age for purposes of securing an operator's license under section 14-36 and a marriage license under subsection (b) of section 46b-30 or a civil union license section 10 of this act without parental consent; (j) the minor shall be deemed to be over eighteen years of age for purposes of registering a motor vehicle under section 14-12; (k) the parents of the minor shall no longer be the guardians of the minor under section 45a-606; (l) the parents of a minor shall be relieved of any obligations respecting his school attendance under section 10-184; (m) the parents shall be relieved of all obligation to support the minor; (n) the minor shall be emancipated for the purposes of parental liability for his acts under section 52-572; (o) the minor may execute releases in his own name under section 14-118; and (p) the minor may enlist in the armed forces of the United States without parental consent.

Sec. 21. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-



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90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, 22a-461, 23-37,

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23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or section 4, 7 or 11 of this act, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, shall follow the procedures set forth in this section.

Approved April 20, 2005