



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE JUDICIARY COMMITTEE February 25, 2008

Meg Hooper, Director, Planning/ Vital Records 509-7218

Senate Bill 323 - An Act Concerning the Validation of Certain Marriages and Civil Unions.

The Department of Public Health provides the following information with regard to Senate Bill 323

This proposal updates existing statutes that validate marriages when the marriage license was obtained by the wrong town, or when the justice of the peace who officiated the marriage did not have a valid certificate of qualification. The proposal also adds parallel language to validate civil unions with the same procedural defects. The Department supports the sections of the bill that updates the existing statutes and enacts corresponding provisions for civil unions.

In addition to updating existing statutes and enacting parallel civil union statutes, this proposal also contains new language to validate marriages and civil unions performed by justices of the peace whose term of office had expired. This new language is very similar to the existing language which validates marriages and civil unions performed by justices of the peace who have an invalid certificate of qualification. The nearly identical language of these two sections creates confusion. In order to avoid this confusion, we suggest that proposed sections 46b-22a(b) and section 3(b) be deleted, and the existing section 46b-22a be revised to include instances when the term of office of the justice of the peace has expired. We proposed the following revisions to section 46b-22a:

All marriages celebrated before [June 7, 2006] the effective date of this section, otherwise valid except that the justice of the peace joining such persons in marriage did not have a valid certificate of qualification, or that the term of office of such justice of the peace had expired, are validated, provided the justice of the peace who joined such persons in marriage represented himself or herself to be a duly qualified justice of the peace and such persons reasonably relied upon such representation.

The civil union statutes should be drafted accordingly.

Thank you for your consideration of the Department's views on this bill.

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