



House of Representatives

File No. 748

General Assembly

January Session, 2017

(Reprint of File No. 576)

Substitute House Bill No. 5442
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 11, 2017

AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.

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

1 Section 1. Section 46b-20a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is eligible to marry if such person is:

4 (1) Not a party to another marriage, or a relationship that provides
5 substantially the same rights, benefits and responsibilities as a
6 marriage, entered into in this state or another state or jurisdiction,
7 unless the parties to the marriage will be the same as the parties to
8 such other relationship;

9 (2) Except as provided in [section 46b-30] subsection (b) of this
10 section, at least eighteen years of age;

11 (3) Except as provided in section 46b-29, not under the supervision
12 or control of a conservator; and

13 (4) Not prohibited from entering into a marriage pursuant to section

14 46b-21.

15 (b) A license may be issued to a minor who is at least sixteen years
16 of age but under eighteen years of age with the approval of the Probate
17 Court as provided in this subsection. A parent or guardian of a minor
18 may, on behalf of the minor, petition the Probate Court for the district
19 in which the minor resides seeking approval for the issuance of a
20 license to such minor. The court shall schedule a hearing on the
21 petition and give notice to the minor, the minor's parents or guardians
22 and to the other party to the intended marriage. The minor and the
23 petitioning parent or guardian shall be present at such hearing. The
24 court may, in its discretion, require the other party to the intended
25 marriage to be present at such hearing. After a hearing on the petition,
26 the court may approve the issuance of a license to the minor if the
27 court finds that: (1) The petitioning parent or guardian consents to the
28 marriage; (2) the minor consents to the marriage and such consent is
29 based upon an understanding of the nature and consequences of
30 marriage; (3) the minor has sufficient capacity to make such a decision;
31 (4) the minor's decision to marry is made voluntarily and free from
32 coercion; and (5) the marriage would not be detrimental to the minor.

33 Sec. 2. Section 46b-150d of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2017*):

35 An order that a minor is emancipated shall have the following
36 effects: (1) The minor may consent to medical, dental or psychiatric
37 care, without parental consent, knowledge or liability; (2) the minor
38 may enter into a binding contract; (3) the minor may sue and be sued
39 in such minor's own name; (4) the minor shall be entitled to such
40 minor's own earnings and shall be free of control by such minor's
41 parents or guardian; (5) the minor may establish such minor's own
42 residence; (6) the minor may buy and sell real and personal property;
43 (7) the minor may not thereafter be the subject of (A) a petition under
44 section 46b-129 as an abused, neglected or uncared for child or youth,
45 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for
46 any act committed before the date of the order, or (C) a petition under

47 section 46b-149 alleging that the minor is a child from a family with
48 service needs; (8) the minor may enroll in any school or college,
49 without parental consent; (9) the minor shall be deemed to be over
50 eighteen years of age for purposes of securing an operator's license
51 under section 14-36 and a marriage license under [subsection (b) of
52 section 46b-30] section 46b-20a, as amended by this act; (10) the minor
53 shall be deemed to be over eighteen years of age for purposes of
54 registering a motor vehicle under section 14-12; (11) the parents of the
55 minor shall no longer be the guardians of the minor under section 45a-
56 606; (12) the parents of a minor shall be relieved of any obligations
57 respecting such minor's school attendance under section 10-184; (13)
58 the parents shall be relieved of all obligation to support the minor; (14)
59 the minor shall be emancipated for the purposes of parental liability
60 for such minor's acts under section 52-572; (15) the minor may execute
61 releases in such minor's own name under section 14-118; (16) the minor
62 may enlist in the armed forces of the United States without parental
63 consent; and (17) the minor may access or obtain a certified copy of a
64 birth certificate under section 7-51.

65 Sec. 3. Section 7-45 of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2017*):

67 Each person making any certificate of birth, marriage, civil union,
68 death or fetal death, or any copy of such certificate for the
69 commissioner, or any sexton's report required by law, shall cause the
70 same to be typewritten or printed in a legible manner as to all material
71 information or facts required by the provisions of sections 7-48, 7-60,
72 [and] 7-62b, [and sections] 46b-25 and 46b-29 [to 46b-30, inclusive, or
73 sections 46b-38hh to 46b-38jj, inclusive,] and contained in such
74 certificate. If the certificate is in paper format, such person shall sign
75 the certificate in black ink, shall state therein in what capacity such
76 person so signs, and shall type or print in a legible manner the name of
77 each person signing such certificate, under such person's signature. If
78 the certificate is in an electronic format, such certificate shall be
79 authenticated by the electronic vital records system of the department.
80 Any certificate not complying with the requirements of this section

81 shall be returned by the registrar with whom it is filed to the person
82 making the same for the proper correction.

83 Sec. 4. Subsection (a) of section 46b-24 of the general statutes is
84 repealed and the following is substituted in lieu thereof (*Effective*
85 *October 1, 2017*):

86 (a) Except as provided in section 46b-28a, no persons may be joined
87 in marriage in this state until both have complied with the provisions
88 of this section, [section] sections 46b-20a, as amended by this act, 46b-
89 25 and [sections] 46b-29 to 46b-33, inclusive, and have been issued a
90 license by the registrar for the town in which the marriage is to be
91 celebrated, which license shall bear the certification of the registrar that
92 the persons named therein have complied with the provisions of said
93 sections.

94 Sec. 5. Section 46b-30 of the general statutes is repealed. (*Effective*
95 *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46b-20a
Sec. 2	<i>October 1, 2017</i>	46b-150d
Sec. 3	<i>October 1, 2017</i>	7-45
Sec. 4	<i>October 1, 2017</i>	46b-24(a)
Sec. 5	<i>October 1, 2017</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the GF	GF - Potential Revenue Loss	less than 300	less than 400
Probate Court	PCAF - Potential Revenue Gain	Less than 3.500	Less than 4.500

Note: PCAF=Probate Court Administration Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 18 \$	FY 19 \$
Various Municipalities	Potential Revenue Loss	less than 200	less than 300

Explanation

The bill results in a potential revenue loss of less than \$400 to the General Fund and a revenue loss of less than \$300 annually across various municipalities from marriage restrictions under the bill. In 2016, there were 16 brides, and no grooms, under 18-years-of-age married in Connecticut. While it is assumed that less than 20 such individuals become married annually, as the bill is effective 10/1/17, less than 15 individuals are assumed in FY 18. Of the \$30 charged by a municipal registrar for a marriage license pursuant to CGS Sec. 7-73, \$11 is retained by the municipality and \$19 is provided to the Department of Public Health (DPH) for deposit into the General Fund.¹

¹Funds are then further credited to a separate nonlapsing account for use by the Department of Social Services for shelter services for victims of household abuse and by DPH for rape crisis services.

The bill also results in a potential revenue gain to the Probate Court Administration Fund by requiring a probate court hearing on behalf of a minor over 16 years of age but under 18 years of age who is applying for a marriage license. The filing fee for a probate court matter is \$225. As less than 20 such license applications are anticipated annually, the amendment results in potential revenue gain to the Probate Court Administration Fund of less than \$4,500 annually.

House "A" changed the restrictions for marriages for minors and added the requirement of the probate court hearing.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of marriage licenses issued.

OLR Bill Analysis**sHB 5442 (as amended by House "A")*****AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.****SUMMARY**

This bill (1) prohibits anyone under age 16 from being issued a marriage license under any circumstances and (2) narrows the circumstances in which such a license may be issued to a 16- or 17-year-old.

Under current law, a 16- or 17-year-old may be issued a marriage license if the registrar of vital statistics has on file the written consent of the minor's parent or guardian. If the minor is under age 16, he or she also needs the written consent of the probate judge where he or she resides. (The probate judge's written consent alone may suffice for a minor's marriage license if no parent or guardian is a U.S. resident.)

Under the bill, an individual under age 16 may not be issued a marriage license. A 16- or 17-year-old may only get a marriage license if the probate court where the minor resides approves a petition filed on the minor's behalf by his or her parent or guardian. The court must schedule a hearing on the petition and notify the minor, his or her parents or guardians, and the other party to the intended marriage. The minor and the petitioning parent or guardian must attend the hearing and the court may, at its discretion, also require the other party to the marriage to attend the hearing. After a hearing on the petition, the court may approve the license if it finds that the:

1. petitioning parent or guardian consents to the marriage,
2. minor (a) consents to the marriage based on an understanding of the nature and consequences of the marriage and (b) is sufficiently capable of making that decision,

- 3. minor's decision to marry is voluntary and made without coercion, and
- 4. marriage would not be detrimental to the minor.

Under existing law, unchanged by the bill, emancipated minors are treated as adults for marriage purposes and therefore are not subject to these restrictions. (By law, a minor must be at least age 16 to be emancipated.)

The bill also makes technical and conforming changes.

*House Amendment "A" permits 16- or 17-year-old minors to get a marriage license with probate court approval instead of the underlying bill's provisions allowing such minors to marry only if (1) one of the parties is pregnant or in the military and (2) the minor, his or her parents or guardians, and the probate court judge provide written consent.

EFFECTIVE DATE: October 1, 2017

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 7 (03/29/2017)