



Public Hearing before the Judiciary Committee March 9, 2018

Statement of Loretta Jay, Managing Partner of the Justice of the Peace Association

Re: S.B. No. 396 (RAISED) AN ACT CONCERNING JUSTICES OF THE PEACE WHO MAY SERVE AS MARRIAGE OFFICIANTS.

Senator Doyle, Senator Kissel, Representative Tong and distinguished members of the Judiciary Committee:

I am the managing partner of the Justice of the Peace Association (JPus), a Fairfield-based professional organization providing news, networking and education to justices of the peace (JP). Our membership includes Connecticut JPs in addition to JPs from other New England states. **I am here today to ask you to vote No on SB 396, *An Act concerning Justices of the Peace who may serve as marriage officiants.***

Justices of the Peace are professionals who have been appointed and entrusted to carefully execute the duties of the state: to certify an act of marriage that is legally binding. The state recognizes this responsibility, as CGS 46b-22 demands a financial penalty if there is a failure to comply with the requirements. Furthermore, JPus also expects JPs to perform their duties with honor and integrity, as all members must adhere to and abide by its Code of Ethics ^{Attachment 1}.

Relegating this official role to the layperson as a *JP for a Day* is misguided for several reasons.

1. SB 396 fails to recognize that JPs bring expertise and competence to their role as marriage officiants.

In addition to complying with the terms of Connecticut's *Justice of the Peace Manual*, JPs are continually seeking ways to improve the performance of their duties through trainings, research and collaboration with other JPs. Permitting *JPs for a Day* disrespects the competent service that these professionals provide.

While the performance of the ceremony is what most people see when they consider the JP, the legal aspects of the marriage officiant role is much more significant. Justices of the Peace must attest to the accuracy of the marriage license, and then must complete all required paperwork and file it with the Town Clerk in a timely manner.

Would we entrust a *DMV Road Test Evaluator for a Day* to be responsible for authorizing that a new driver passes his road test and gets his license? Why would we permit a *JP for a Day* to authorize a marriage?

2. SB 396 will burden municipal town clerks with the time consuming responsibility of rectifying the inevitable errors made by JPs for a Day.

While the Secretary of the State (SOTS) may issue the JP for a Day designation, the marriage license must still be processed with the town clerk; the state statute doesn't allow for an alternative. This will result in a drain on already limited town resources as the town clerks and their staff try to complete the process. This is not just speculation.

Massachusetts has a similar 1-Day Designation for marriage officiants and its implementation has been wrought with problems. JPus sent an inquiry to Massachusetts town clerks asking for their experiences with the 1-Day Designation. In less than a day we received 27 replies identifying significant problems when a layperson officiant was involved ^{Attachment 2}.

Marlene Samson's description captured what many had to say, "In Westport, MA we have had numerous mistakes made by the Solemnizers. Most often, they do not use BLACK ink. They fill in the date of the marriage as 1/1/18 instead of January 1, 2018. They will make a mistake and then cross it out to correct it. When my office issues a marriage license, we include an instruction sheet for whoever the person is conducting the ceremony. All they have to do is follow that sheet, but we all know that people just don't read. I've had to call the officiants to ask if the ceremony took place and if so, where the completed license is. I can't tell you how many times, because of mistakes, my office has had to retype a license, send it back to the officiant for their signature and wait for them to return it to me."

The clerks complained that the problems occurred between 20%-90% of the time, and that dealing with the One-Day Solemnizers doubled the amount of work they had to do.

3. SB 396 would jeopardize the integrity of the marriage license.

Marriage licenses are legal documents, and as such their accuracy is critical. Town clerks aren't just being persnickety when they complain about errors; they (along with Justices of the Peace) have a legal obligation to make sure the information on the marriage license is accurate. Besides inadvertent errors, town clerks will have no way of insuring the truthfulness of the information provided.

In Connecticut no one under the age of 16 may marry, and 16 and 17 year olds require a probate judge's approval. The JP is another partner in our system making sure that laws are followed and our children are protected.

4. If SB 396 is enacted, couples who use a JP for a Day may unwittingly jeopardize the validity of their marriage.

While a couple's motivation to have a friend or family member officiate at their wedding ceremony is understandable, it is hard to imagine any would want it at the risk of invalidating their legal status as a married couple. Of course when this happens the consequences can be serious.

James F. Hegarty, Southborough, MA Town Clerk wrote, "In one recent instance, we had to resend corrected versions of the license on four occasions to the same person who was a One-Day Solemnizer for his buddy from college. The delays lasted more than a month and prevented us from being able to issue a certified marriage copy of a valid marriage certificate. That in turn caused major

headaches for the couple because the groom's employer would not add the bride to his medical insurance without proof of marriage. It also caused issues with a closing for a house."

There are alternatives to delegitimizing the role of the professional Justice of the Peace that will work for everyone. JPus encourages couples who want a friend or family member to officiate to work with a JP who will incorporate that special person into the ceremony. JPs are flexible, and their goal is to help the couple achieve their vision for the day. Last spring we even ran a blog article that suggested alternatives to one-day officiants to avoid these problems. We included these suggestions:

- The JP witnesses the ceremony (performed by the friend), and then submits the paperwork
- The JP acts as a coach, meeting with the couple and supporting the friend/family member through the process; the JP then witnesses the ceremony and submits the paperwork

Justices of the Peace hold an important and legally binding role in Connecticut. They take this responsibility very seriously, dedicating time and energy to perfecting their trade and performing their duties professionally. Relegating these responsibilities to an amateur is dismissive of the JP's value, negating the consequential duties that they swear to uphold. In addition, this bill will likely create very real problems for couples and municipal clerks, and call the validity of marriage documents into question.

Please vote No on Raised Bill SB 396.

Thank you for this opportunity to share these concerns. I am available to discuss further at your convenience.

Sincerely,



Loretta Jay, MA
Managing Partner
Justice of the Peace Association
203.255.7703
lorettajay@JPus.org

Attachment 1: Code of Ethics

Code of Ethics Justice of the Peace Association

As a member of the Justice of the Peace Association, having accepted the responsibility of the office of Justice of the Peace, in order to faithfully discharge my duties with both competence and integrity, I resolve that I will adhere to the following standards of conduct:

- To execute the statutes of the State in which I am empowered, as promised when I took the oath of office
- To perform all tasks and responsibilities to the best of my ability
- To complete and submit all documentation accurately, on time and to the proper authorities
- To be honest with my clients and to act in their best interests
- To charge a fee for my services that reflects my expertise, effort, time and involvement in the preparation and performance of my duties and that is in compliance with state statute, if applicable
- To always act in a manner that reflects favorably on myself, my office, and the Justice of the Peace Association.

Attachment 2: MA Town Clerk Testaments

Received by email on March 7, 2018

I had a lady come in asking to receive a certified copy of her Marriage Certificate. I looked high and low for the license, only to find out from this lady that her friend who Officiated the Wedding said that that he took care of all the paperwork. WRONG. The bride, a doctor, thought she was married. **She was so embarrassed to find that her 200 attendees went to a false wedding.**

Theresa T. Bunce, CMC/CMMC, Dennis Town Clerk, Notary Public, Justice of the Peace
Board of Registrar, Burial Agent, RAO, Chief Election Official

One day Solemnizers screw up the marriage license form either by incorrectly completing or failing to return the certificate. We've had to resend corrected versions of the license on 4 occasions to the same person for his buddy from college. The delays lasted more than a month and prevented us from being able to issue a certified marriage copy of a valid marriage certificate. That in turn caused major headaches for the couple because **the groom's employer would not add the bride to his medical insurance without proof of marriage. It also caused issues with a closing for a house.**

James F. Hegarty, Southborough Town Clerk

One-Day Solemnizers don't complete the license correctly (despite being provided instructions) and often we have to return it to them to complete another correctly. **This prevents the couple from obtaining an official certificate proving their marriage and sometimes obtaining health insurance** etc.

Danielle Sicard, Easton Town Clerk

Over 90% of the certificates (problem) is that the solemnizers do not follow the detailed instructions we provide on how to complete their portion properly. All of these errors mean we have to type out new certificates. Also, we have problems with their not mailing or bringing in the certificates on time.

Claudette C. Dolinski, Blackstone Town Clerk

I've had to call the officiant(s) to ask if the ceremony took place and if so, where the completed license is. I can't tell you how many times, because of mistakes, **my office has had to retype a license, send it back to the officiant for their signature and wait for them to return it to me.**

Marlene Samson, Westport Town Clerk

JP for a day, trivializes the designation of actual JPs who may have broader authority. One-day people routinely don't fill out the paperwork correctly that causes headaches for the couple and the clerk to record the marriage. **One-day people are loose with the law** – they put dates that are not true, they just sign it without any ceremony at all, I've heard people do it by phone or Skype!

Kathleen F Nagle, Town Clerk Wellesley

While it's touching that someone would like a family member or close friend to perform their wedding, **the One-Day Solemnizations are an administrative nightmare for Clerk's.** My thoughts are to have a licensed JP or Clergy only to perform ceremonies and if the couple want to have someone there to say a few words, that would work out fine but leave the legal paperwork to the professionals!

Marianne Staples, Mansfield Town Clerk, Justice of the Peace

One day Solemnizer (ODS) is one of the worst ideas. My office estimates 1 in 5 marriage licenses are sent back to us correct. The incorrect ones involve the license being done over by my staff and re-signed by the ODS. **This makes for delay in issuing a marriage certificate and also is twice the work for my office.**

Laura Caruso, Sutton Town Clerk

The "JP for a Day" often can not read... at least they do not seem to be able to read the large bold printed instructions on completing their portion of the license... Resulting in **longer wait time for couple to receive their certified copy not to mention more time from my office to do twice.**

Ellen M. Glidden, CMC, CMMC, Barre Town Clerk, Justice of the Peace/Notary Public
Chief Election Official/Registrar of Voters, Burial Agent/Records Access Officer

Quite often, marriage licenses that are returned to us for recording by one-day solemnizers have at least one error, even though there are only seven lines. Sometimes they are not returned and therefore the marriage is not recorded. **Given the fact that there are thousands of JPs commissioned by the State of Massachusetts that are qualified to perform a marriage and complete the marriage license correctly, I personally don't feel that "JP for a day" should be allowed.**

Lori A. Kelley, CMC/CMMC, Oxford Town Clerk

They write in the wrong places on the marriage license use the wrong color ink, forget to put their address and information. Do not send back the Solemnizer certificate that the state gives them to do the ceremony. They forget to return the marriage certificate. It is a little crazy.

Jean Tarara, Holbrook, MA
