

ASSEMBLY, No. 3091

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 18, 2016

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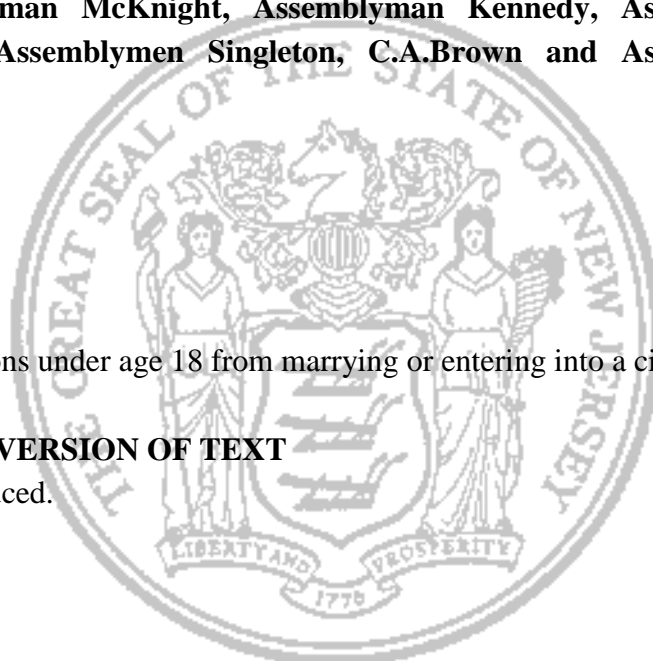
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SYNOPSIS

Bars persons under age 18 from marrying or entering into a civil union.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/16/2016)

1 AN ACT concerning marriage and civil unions and amending
2 various sections of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2A:34-1 is amended to read as follows:

8 2A:34-1. Causes for judgments of nullity.

9 (1) Judgments of nullity of marriage may be rendered in all
10 cases, when:

11 a. Either of the parties has another wife, husband, partner in a
12 civil union couple or domestic partner living at the time of a second
13 or other marriage.

14 b. The parties are within the degrees prohibited by law. If any
15 such marriage shall not have been annulled during the lifetime of
16 the parties the validity thereof shall not be inquired into after the
17 death of either party.

18 c. The parties, or either of them, were at the time of marriage
19 physically and incurably impotent, provided the party making the
20 application shall have been ignorant of such impotency or
21 incapability at the time of the marriage, and has not subsequently
22 ratified the marriage.

23 d. The parties, or either of them, lacked capacity to marry due
24 to want of understanding because of mental condition, or the
25 influence of intoxicants, drugs, or similar agents; or where there
26 was a lack of mutual assent to the marital relationship; duress; or
27 fraud as to the essentials of marriage; and has not subsequently
28 ratified the marriage.

29 e. The demand for such a judgment is by the wife or husband
30 who was under the age of 18 years at the time of the marriage **],**
31 unless such marriage be confirmed by her or him after arriving at
32 such age **].**

33 f. Allowable under the general equity jurisdiction of the
34 Superior Court.

35 (2) Judgments of nullity of a civil union may be rendered in all
36 cases, when:

37 a. Either of the parties has another wife, husband, partner in a
38 civil union couple or domestic partner living at the time of
39 establishing the new civil union.

40 b. The parties are within the degrees prohibited by the law
41 from entering into a marriage or establishing a civil union or
42 domestic partnership. If any such civil union shall not have been
43 annulled during the lifetime of the parties the validity thereof shall
44 not be inquired into after the death of either party.

EXPLANATION – Matter enclosed in bold-faced brackets **] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 c. The parties, or either of them, lacked capacity to enter into a
2 civil union due to want of understanding because of mental
3 condition, or the influence of intoxicants, drugs, or similar agents;
4 or where there was a lack of mutual assent to the civil union;
5 duress; or fraud as to the essentials of a civil union; and has not
6 subsequently ratified the civil union.

7 d. The demand for such a judgment is by the party who was
8 under the age of 18 years at the time of the civil union【, unless such
9 civil union be confirmed by him after arriving at such age】.

10 e. Allowable under the general equity jurisdiction of the
11 Superior Court.
12 (cf: P.L.2006, c.103, s.63).

13

14 2. R.S.37:1-6 is amended to read as follows:

15 37:1-6. A marriage or civil union license shall not be issued to a
16 minor under the age of 18 years【, unless the parents or guardian of
17 the minor, if any, first certify, in the presence of two reputable
18 witnesses, consent thereto, which shall be delivered to the licensing
19 officer issuing the license. Consent to the proposed marriage or
20 civil union by a parent or guardian who is mentally incapacitated
21 shall not be required.

22 When a minor is under the age of 16 years, the consent required
23 by this section must be approved in writing by a judge of the
24 Superior Court, Chancery Division, Family Part and filed with the
25 licensing officer.

26 The licensing officer shall transmit to the State registrar all
27 consents, orders, and approvals subject to the same penalty as in the
28 case of marriage or civil union certificates or licenses【.】.
29 (cf: P.L.2013, c.103, s.105)

30

31 3. Section 3 of P.L.2006, c.103 (C.37:1-30) is amended to read
32 as follows:

33 3. For two persons to establish a civil union in this State, it
34 shall be necessary that they satisfy all of the following criteria:

35 a. Not be a party to another civil union, domestic partnership or
36 marriage in this State;

37 b. Be of the same sex; and

38 c. Be at least 18 years of age【, except as provided in section 10
39 of this act】.

40 (cf: P.L.2006, c.103, s.3)

41

42 4. This act shall take effect immediately.

43

44 STATEMENT

45

46 Under current law, persons aged 18 or older may be issued
47 marriage or civil union licenses and may marry or enter into civil
48 unions. Marriage or civil union licenses may not be issued to

A3091 N.MUNOZ, GUSCIORA

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1 minors under the age of 18 unless the parents or guardian, if any,
2 consent. If the minor is under the age of 16, a judge of the Superior
3 Court, Chancery Division, Family Part must also consent to the
4 marriage or civil union. This bill would bar the issuance of
5 marriage or civil union licenses to all persons under the age of 18,
6 regardless of parental or judicial consent.

7 This bill is intended to address the problem of child marriages.