

ASSEMBLY, No. 865

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee with technical review.

(Sponsorship Updated As Of: 6/8/2018)

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. R.S.37:1-4 is amended to read as follows:

8 37:1-4. Issuance of marriage or civil union license,
9 emergencies, validity.

10 **【**Except as provided in R.S.37:1-6, **the】** The marriage or civil
11 union license shall not be issued by a licensing officer sooner than
12 72 hours after the application therefor has been made; provided,
13 however, that the Superior Court may, by order, waive all or any
14 part of said 72-hour period in cases of emergency, upon satisfactory
15 proof being shown to it. Said order shall be filed with the licensing
16 officer and attached to the application for the license.

17 A marriage or civil union license, when properly issued as
18 provided in this article, shall be good and valid only for 30 days
19 after the date of the issuance thereof.

20 (cf: P.L.2006, c.103, s.9)

21

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

23 2A:34-1. Causes for judgments of nullity.

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

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

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

33 c. The parties, or either of them, were at the time of marriage
34 physically and incurably impotent, provided the party making the
35 application shall have been ignorant of such impotency or
36 incapability at the time of the marriage, and has not subsequently
37 ratified the marriage.

38 d. The parties, or either of them, lacked capacity to marry due
39 to want of understanding because of mental condition, or the
40 influence of intoxicants, drugs, or similar agents; or where there
41 was a lack of mutual assent to the marital relationship; duress; or
42 fraud as to the essentials of marriage; and has not subsequently
43 ratified the marriage.

44 e. The demand for such a judgment is by the wife or husband
45 who was under the age of 18 years at the time of the marriage

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

Matter underlined thus is new matter.

1 **】, unless such marriage be confirmed by her or him after arriving at**
2 **such age】.**

3 f. Allowable under the general equity jurisdiction of the
4 Superior Court.

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

7 a. Either of the parties has another wife, husband, partner in a
8 civil union couple or domestic partner living at the time of
9 establishing the new civil union.

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

15 c. The parties, or either of them, lacked capacity to enter into a
16 civil union due to want of understanding because of mental
17 condition, or the influence of intoxicants, drugs, or similar agents;
18 or where there was a lack of mutual assent to the civil union;
19 duress; or fraud as to the essentials of a civil union; and has not
20 subsequently ratified the civil union.

21 d. The demand for such a judgment is by the party who was
22 under the age of 18 years at the time of the civil union**】, unless such**
23 **civil union be confirmed by him after arriving at such age】.**

24 e. Allowable under the general equity jurisdiction of the
25 Superior Court.

26 (cf: P.L.2006, c.103, s.63).

27

28 3. R.S.37:1-6 is amended to read as follows:

29 37:1-6. A marriage or civil union license shall not be issued to a
30 minor under the age of 18 years**】, unless the parents or guardian of**
31 **the minor, if any, first certify, in the presence of two reputable**
32 **witnesses, consent thereto, which shall be delivered to the licensing**
33 **officer issuing the license. Consent to the proposed marriage or**
34 **civil union by a parent or guardian who is mentally incapacitated**
35 **shall not be required.**

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

40 The licensing officer shall transmit to the State registrar all
41 consents, orders, and approvals subject to the same penalty as in the
42 case of marriage or civil union certificates or licenses**】.**

43 (cf: P.L.2013, c.103, s.105)

44

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

- 1 3. For two persons to establish a civil union in this State, it
2 shall be necessary that they satisfy all of the following criteria:
- 3 a. Not be a party to another civil union, domestic partnership or
4 marriage in this State;
- 5 b. Be of the same sex; and
- 6 c. Be at least 18 years of age【, except as provided in section 10
7 of this act】.
- 8 (cf: P.L.2006, c.103, s.3)
- 9
- 10 5. This act shall take effect immediately.