

DIGEST

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SB 172 Reengrossed

2019 Regular Session

Colomb

Proposed law prohibits a minor under 16 years of age from entering into a contract of marriage and prohibits a minor 16 or 17 years of age from entering into a contract of marriage with a person of the age of majority where there is an age difference of greater than two years between them.

Present law provides that a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties. Further provides that a purported marriage between the parties of the same sex does not produce any civil effects.

Proposed law retains present law, when the cause of the nullity is another reason, and provides that when the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties.

Present law provides that a minor is fully emancipated by marriage, that termination of the marriage does not affect emancipation by marriage and that emancipation by marriage may not be modified or terminated.

Proposed law retains present law for a minor 16 or 17 years of age.

Present law provides that unless fully emancipated, a minor may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Proposed law provides that a minor under 16 years of age may not enter into a matrimonial agreement. Further provides that a minor 16 or 17 years of age may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Present law authorizes the state registrar of vital records, or a judge of the city court, in the Parish of Orleans; the clerk of court, in any other parish; or a district judge, if the clerk of court is a party to the marriage to issue marriage licenses.

Proposed law retains present law and prohibits the issuance of a marriage license for a minor under 16 years of age. Further prohibits the issuance of a marriage license for a minor 16 or 17 years of age where there is an age difference of greater than two years between the persons seeking the marriage license.

Present law prohibits an officiant from performing a marriage ceremony in which a minor is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law.

Present law provides that a minor under 16 years of age shall also obtain written authorization to marry from the judge of the court exercising juvenile jurisdiction in the parish in which the minor resides or the marriage ceremony is to be performed.

Proposed law prohibits an officiant from performing a marriage ceremony in which a minor 16 years of age or older is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law. Proposed law further prohibits the performance of a marriage ceremony for a minor under the age of 16.

Present law provides for judicial authorization upon application by the minor, for the marriage when there is a compelling reason why the marriage should take place.

Proposed law provides for judicial authorization upon application by a minor 16 or 17 years of age, for the marriage when there is a compelling reason why the marriage should take place. Further provides that no marriage shall be authorized for a minor under 16 years of age.

Effective August 1, 2019.

(Amends C.C. Arts. 96, 367, and 2333, R.S. 9:221, and Ch.C. Arts. 1545 and 1547; Adds C.C. Art. 90.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to reengrossed bill

1. Prohibits a minor under the age of sixteen from entering into a contract of marriage and prohibits a minor sixteen or seventeen years of age from entering into a contract of marriage with a person of the age of majority where there is an age difference of four years or greater between them.
2. Provides that when the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties.
3. Mandates that a minor sixteen or seventeen years of age is fully emancipated by marriage.
4. Provides that a minor under the age of sixteen may not enter into a matrimonial agreement. Further provides that a minor sixteen or seventeen years of age may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.
5. Prohibits the issuance of a marriage license for a minor under the age of sixteen. Further prohibits the issuance of a marriage license for a minor of the age of sixteen or seventeen where there is an age difference of four years or greater between the persons seeking the marriage license.
6. Prohibits an officiant from performing a marriage ceremony in which a minor sixteen or older is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, and the juvenile court as provided by law.
7. Provides for judicial authorization upon application by a minor of the age of sixteen or seventeen, for the marriage when there is a compelling reason why the marriage should take place, however no marriage shall be authorized for a minor under the age of sixteen.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

1. Reduce the permitted age difference between the parties to the marriage from four years to two years.
2. Make technical changes.