

SENATE SUMMARY OF HOUSE AMENDMENTS**SB 172****2019 Regular Session****Colomb****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

MARRIAGE. Provides the age for marriage of minors under uncertain conditions. (8/1/19)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes prohibition for a minor under age 16 from contracting marriage.
2. Removes prohibitions for a minor age 16 or 17 from contracting marriage with a person with an age difference of four years or greater.
3. Adds provisions that marriage certificates filed with the office of vital records include information as to the dates of the husband and wife if either one is a minor.
4. Adds provisions as to what is to be included in the state registrar of vital records' state of marriage report.
5. Adds requirements for a court, prior to authorizing marriage of minors, to consider when determining the best interest of minor prospective spouses.
6. Adds specific questions for a court to ask the minor parties prior to granting court authorization to marry.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**DIGEST**

SB 172 Reengrossed

2019 Regular Session

Colomb

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 the parent having legal custody or the tutor.

Proposed law prohibits a minor sixteen or seventeen years of age from entering 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 provides requires the clerk of court to forward to the state registrar of vital records on or before the 15th of each calendar month a copy of each certificate of marriage filed with the clerk during th preceding calendar month.

Proposed law retains this requirement but also requires the clerk of court to include copy of the application of marriage indicating the dates of birth of the husband and wife if either the husband or the wife is a minor.

Present law requires the state registrar of vital records to annually prepare, from information filed from the clerk of court abstracts and tabular statements of the facts relating to marriages in each parish, and embody them, with the necessary analysis, in his annual report to the state.

Proposed law retains these provisions but requires that this annual report include a state of marriage report which include the number of minors married in each parish, the number of marriages approved by parental consent, and the number of marriages approved by judicial

authorization. Requires that the annual report be submitted to the speaker of the House of Representatives and the president of the Senate.

Present law authorizes a judge to authorize marriage of a minor when there is a compelling reason why the marriage should take place. Proposed law requires the court to consider the best interest of the minor prospective spouse.

Present law requires a court to hear a request for authorization for a minor to marry in chambers.

Proposed law retains present law and requires that the judge shall require that both the prospective husband and prospective wife be present for the hearing. Requires the court to consider all of the following in determining the best interest of the minor prospective spouse:

- (1) Pregnancy of the prospective wife.
- (2) If the prospective spouses are already living together.
- (3) Housing and living conditions prior to the prospective marriage and where the prospective spouses intend to live after the marriage.
- (4) The ages of the prospective spouses.
- (5) The age differential between the prospective spouses.
- (6) How the prospective spouses came to know each other.
- (7) The stated reasons why each of the prospective spouses desires to marry one another.
- (8) Consent of mother, father, or person having legal custody of the minor.

Proposed law authorizes the judge to do all of the following:

- (1) Require a separate in camera interviews of the prospective spouses.
- (2) Require evidence of proofs of residency, educational attainment, juvenile offense history, or criminal history to be produced.

Proposed law requires the judge to conduct an inquiry to determine if there exists any evidence that the minor is a victim of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence and in conducting this inquiry, requires the judge to ask all of the following questions:

- (1) Whether one prospective spouse is in a position of authority over the other prospective spouse.
- (2) Previous marriage or marriages of either of the prospective spouses.
- (3) Residency and length of residency of the prospective spouses.
- (4) How long the prospective spouses have known each other.
- (5) Length of relationship between the prospective spouses.
- (6) Any evidence of kidnaping, sexual assault, or domestic violence between the prospective spouses.
- (7) Whether one of the prospective spouses was the victim of a sexual offense committed by the other prospective spouse.
- (8) Evidence of domestic violence, spousal abuse, or sexual offenses committed by one of the prospective spouses upon anyone.

- (9) Criminal history of the prospective spouses.
- (10) Whether either prospective husband or wife provided or promised a third party anything of value in exchange for the marriage.
- (11) Evidence of maturity and self-sufficiency of the prospective spouses through educational attainment or employment.
- (12) Any history of any medical condition or chemical dependency of either of the prospective spouses.

Proposed law requires the judge to immediately report to local law enforcement or child protective services if he finds any evidence of human trafficking, sexual assault, domestic violence, coercion, or undue influence.

Effective August 1, 2019.

(Amends C.C. Arts. 2333, R.S. 9:253 and 254, and Ch.C. Arts. 1547 and 1548)

Thomas L. Tyler
Deputy Chief of Staff