

RÉSUMÉ DIGEST

ACT 401 (SB 172)

2019 Regular Session

Colomb

New law prohibits a minor under the age of 16 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 three years or greater between them.

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

New law retains prior 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.

Prior law provided 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.

New law retains prior law for a minor 16 or 17 years of age.

Prior law provided 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.

New law provides that a minor under the age of 16 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 judicial authorization and the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Prior law authorized 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.

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

Prior law prohibited 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.

Prior law provided that a minor under the age of 16 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.

New law prohibits an officiant from performing a marriage ceremony in which a minor 16 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. New law further prohibits the performance of a marriage ceremony for a minor under the age of 16.

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

New law provides for judicial authorization upon application by a minor of the age of 16 or 17, 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 the age of 16.

New law provides that the clerk of court shall maintain a copy of application of marriage of a minor. Further provides that the annual state of marriage report shall include the number of minors married in each parish, the number of marriages approved by parental consent and judicial authorization.

New law provides that the court shall consider the best interest of prospective spouses for judicial authorization to marry a minor. Further provides that the court shall inquire and report any evidence of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.

New law provides that the prospective husband and wife shall be present at a hearing and shall have separate in camera interviews of the prospective spouses.

Effective August 1, 2019.

(Amends C.C. Arts. 96, 367, and 2333, R.S. 9:221, 253, 255, Ch. C. Arts. 1545, 1547, and 1548; adds C.C. Art. 90.1)