

2018 Regular Session

SENATE BILL NO. 463

BY SENATOR PETERSON

MARRIAGE. Provides 18 years of age shall be the minimum age for marriage. (8/1/18)

1 AN ACT

2 To amend and reenact Civil Code Arts. 86, 87, 369, and 2318 and Children's Code Arts.  
3 502(2) and 1113(A), and to repeal Civil Code Arts. 367 and 2333, Children's Code  
4 Arts. 1543 through 1550, and R.S. 9:225(A)(2), relative to marriage; to provide a  
5 minimum age for marriage; to provide definitions; to repeal certain provisions  
6 relative to emancipation by marriage; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Arts. 86, 87, 369, and 2318 are hereby amended and reenacted  
9 to read as follows:

10 Art. 86. Marriage; definition

11 Marriage is a legal relationship **created by civil contract** between ~~a man and~~  
12 ~~a woman that is created by civil contract~~ **two natural persons who are at least**  
13 **eighteen years of age**. The relationship and the contract are subject to special rules  
14 prescribed by law.

15 Art. 87. Contract of marriage; requirements

16 The requirements for the contract of marriage are:

17 The absence of legal impediment.

1 A marriage ceremony.

2 The free consent of the parties to take each other as ~~husband and wife~~ **spouse**,  
3 expressed at the ceremony.

4 **Both parties are at least eighteen years of age.**

5 \* \* \*

6 Art. 369. Emancipation; when effective

7 Judicial emancipation is effective when the judgment is signed. ~~Emancipation~~  
8 ~~by marriage is effective upon marriage.~~ Limited emancipation by authentic act is  
9 effective when the act is executed.

10 \* \* \*

11 Art. 2318. Acts of a minor

12 The father and the mother are responsible for the damage occasioned by their  
13 minor child, who resides with them or who has been placed by them under the care  
14 of other persons, reserving to them recourse against those persons. However, the  
15 father and mother are not responsible for the damage occasioned by their minor child  
16 who has been emancipated ~~by marriage~~, by judgment of full emancipation, or by  
17 judgment of limited emancipation that expressly relieves the parents of liability for  
18 damages occasioned by their minor child.

19 The same responsibility attaches to the tutors of minors.

20 \* \* \*

21 Section 2. Children's Code Arts. 502(2) and 1113(A) are hereby amended and  
22 reenacted to read as follows:

23 Art. 502. Definitions

24 \* \* \*

25 (2) "Child" means a person under the age of eighteen years who has not been  
26 judicially emancipated ~~or emancipated by marriage~~ as provided by law.

27 \* \* \*

28 Art. 1113. Minor parents

29 A. Except as otherwise provided herein, if a parent executing a surrender in

1 a private adoption is a minor, the parents or tutor of the minor must join in the  
 2 surrender unless the minor parent has been judicially emancipated under Civil Code  
 3 Article 385 ~~or emancipated by marriage under Civil Code Articles 379 through 384.~~

4 \* \* \*

5 Section 3. Civil Code Arts. 367 and 2333 are hereby repealed.

6 Section 4. Children's Code Arts. 1543 through 1550 are hereby repealed.

7 Section 5. R.S. 9:225(A)(2) is hereby repealed.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 463 Original                      2018 Regular Session                      Peterson

Present law provides relative to marriage and requirements for the contract of marriage.

Present law provides relative to the requirement for the contract of marriage are:

- (1) The absence of a legal impediment.
- (2) A marriage ceremony.
- (3) The free consent of both parties.

Proposed law retains present law and adds the requirement that both individuals shall be at least 18 years of age.

Proposed law repeals provisions relative to emancipation of minors by marriage and judicial authorization for the marriage of minors.

Proposed law repeals procedures for securing the authorization of the juvenile court for the marriage of minors.

(Amends C.C. Arts. 86, 87, 369, and 2318 and Ch.C. Arts. 502(2) and 1113(A); repeals C.C. Arts. 367 and 2333, Ch.C. Arts. 1543-1550, and R.S. 9:225(A)(2))