

2021 -- S 0398

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LC001732
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO DOMESTIC RELATIONS -- MARRIAGE LICENSES

Introduced By: Senators Burke, Archambault, DiPalma, Lombardo, Lombardi, Gallo,
and DiMario

Date Introduced: February 25, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-2-11 of the General Laws in Chapter 15-2 entitled "Marriage
2 Licenses" is hereby repealed.

3 ~~15-2-11. **Consent and procedure required for license to minors and persons under**~~
4 ~~**guardianship.**~~

5 ~~(a) No minor or person under the control of a parent or guardian shall be allowed to give~~
6 ~~and subscribe to the information provided for in §§ 15-2-1—15-2-10, or shall receive the license~~
7 ~~provided for in these sections, unless the consent in writing of the parent or guardian, given in the~~
8 ~~presence of the town or city clerk or any clerk employed in that office, has first been obtained;~~
9 ~~provided, that proof shall be submitted that the minor has attained the age of sixteen (16) years;~~
10 ~~and provided, that this information may be given and subscribed to by a minor who has attained~~
11 ~~the age of sixteen (16) years, residing in this state upon the consent in writing of the director of~~
12 ~~public welfare of the town or city in which the minor resides, given in the presence of the town or~~
13 ~~city clerk or any clerk employed in that office.~~

14 ~~(b) In addition to the requirements in subsection (a) of this section, no license shall be~~
15 ~~issued to any minor under the age of sixteen (16) years unless and until the following requirements~~
16 ~~have been complied with, and the town or city clerk is directed in writing to issue the license by~~
17 ~~the family court:~~

18 ~~(1) The town or city clerk, upon receiving information provided for in §§ 15-2-1 through~~
19 ~~15-2-10, shall immediately transmit a certified copy of the information to the family court. The~~

1 ~~court shall immediately transmit a copy of the information, together with a written request for a~~
2 ~~complete investigation of and a report upon the advisability of the issuance of the license, to the~~
3 ~~department of human services. The department shall within fifteen (15) days after the receipt of the~~
4 ~~information, the request, and the report file in the court its complete report in writing.~~

5 ~~(2) The court shall then conduct a hearing in chambers to determine the advisability of the~~
6 ~~issuance of the license and shall notify the town or city clerk of its determination. The court shall~~
7 ~~have the power to summon at the hearing any persons that it may deem advisable.~~

8 ~~(3) The court shall also file the report and a notation of its determination in the office of~~
9 ~~the clerk of the court, but any papers filed at the office of the clerk shall not be matters of public~~
10 ~~record and may be examined only upon the written authorization of the court.~~

11 ~~(4) During the pendency of the proceedings, the court shall exercise the authority of a~~
12 ~~guardian in respect to the minor or minors involved.~~

13 SECTION 2. Chapter 15-2 of the General Laws entitled "Marriage Licenses" is hereby
14 amended by adding thereto the following section:

15 **15-2-14. Minimum age for marriage license.**

16 A marriage license shall only be granted to a person of full age, attaining the age of eighteen
17 (18) years shall be deemed full legal age pursuant to § 15-12-1.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS -- MARRIAGE LICENSES

1 This act would repeal the provision of law granting minors the ability to obtain a marriage
2 license, and would require a person to be of full legal age, at least eighteen (18) years of age to
3 obtain a marriage license.

4 This act would take effect upon passage.

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