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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO DOMESTIC RELATIONS

Introduced By: Representatives McManus, Ajello, and Story

Date Introduced: February 28, 2007

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 1.1

CIVIL UNIONS

15-1.1-1. Definition. – "Civil Union" means that two (2) eligible people certify their relationship pursuant to this statute, and may receive the benefits and protections and be subject to the responsibilities of spouses.

15-1.1-2. Access to civil union. – Any person who otherwise meets the eligibility requirements of chapter 15-1.1 and 15-1.2 may enter into a civil union regardless of gender.

15-1.1-3. Civil union of kindred forbidden. – No person shall enter into a civil union with his or her parent, grandparent, child, grandchild, step-parent, grandparent's spouse, child's spouse, grandchild's spouse, spouse's parent, spouse's grandparents, spouse's child, spouse's grandchild, sibling, sibling's child or parent's sibling.

15-1.1-4. Incestuous civil union void. – If any person enters into a civil union with the degrees in section 15-1.1-3, the civil union shall be null and void.

15-1.1-5. Civil unions of kindred allowed by Jewish religion. – The provision of section 15-1.1-3 shall not extend to, or in any way affect, any civil union among Jewish people, with the degrees of affinity or consanguinity allowed by their religion.

15-1.1-6. Bigamous civil union void – Civil union of persons who are mentally

incompetent. – Any civil union when either of the parties at the time of the civil union has a former wife, husband or civil union partner living who has not been, by final decree, divorced from that party, and any civil union where either of the parties is mentally incompetent at the time of the civil union, shall be absolutely void, and no life estate created by chapter 25 of title 33 shall be assigned to any widow or widower in consequence of the union.

15-1.1-7. Declaration of validity of civil union by divorced persons. – Any civil union, which may have been deemed and held void pursuant to section 15-1.1-6, may be declared valid and binding upon the parties by decree of the family court, if the civil union was in all other respects lawful. The decree may be entered at the discretion of the court upon the petition of either party of the civil union, and after a hearing and notice to all persons known to have an interest in the civil union as the court may deem necessary, and the decree may declare that the issue of any prior marriage shall be deemed legitimate and that the life estate may be created by chapter 25 of title 33.

15-1.1-8. Persons authorized to certify civil union. – Civil unions may be certified by an authorized person in accordance with section 15-3-5.

15-1.1-9. License required – Proof of divorce. – (a) Persons intending to be joined together in a civil union in this state must first obtain a license from the clerk of the town in which either party resides.

(b) Before any license shall be issued to any person who, having a previous marriage or civil union, has been divorced, the person shall present to the town or city clerk an authenticated copy of the decree granting the divorce.

(c) Notwithstanding the provisions of this section, at such time as the director of health adopts and implements a statewide electronic license issuance and record registration system, the license may be obtained from the clerk in any city or town.

15-1.1-10. Form and contents of certificates, reports, and other returns. -- The forms of certificates, reports, and other returns required by this chapter, or by regulations adopted pursuant to this chapter, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval of and modification by the state director of health. Both parties to the civil union shall subscribe to the truth of data in the application in the presence of the local registrar or his or her assistant.

15-1.1-11. Period of validity of license -- Return if unused. -- The license required by section 15-1.1-9 shall be valid for three (3) months after the date of issue, and if unused at the expiration of the three (3) months, the party or parties having possession of the license shall immediately return it to the town or city clerk from whom it was obtained.

15-1.1-12. License fee -- Presentation of license to person performing ceremony. -- For issuing the license, the town or city clerk shall collect a fee of fourteen dollars ($14.00). The license shall be presented to the minister, elder, justice, warden, or other person who performs the ceremony. The city or town shall retain six dollars ($6.00) of the fourteen dollars ($14.00) for its own use and in lieu of any reimbursement to which it may be entitled pursuant to section 45-13-7. The city or town shall forward the eight dollars ($8.00) balance of the fourteen dollars ($14.00) to the general treasurer of the state of Rhode Island.

15-1.1-13. Additional fee for family and children trust fund. -- For each license the town or city clerk shall charge and receive an additional fee of ten dollars ($10.00), of which he or she shall retain two dollars ($2.00) and shall transmit eight dollars ($8.00) to the general treasurer for deposit to the credit of the family and children trust fund created by section 42-72-30. Each clerk shall keep an accurate account of all fees charged and received under this section and shall transmit all sums due to the general treasurer at least monthly in the manner and with the forms which the general treasurer shall prescribe.

15-1.1-14. Recording of license information. -- The several town and city clerks shall record, in separate books to be kept by them for that purpose, the information furnished to them and subscribed to as provided for in this chapter, except as otherwise provided in these sections.

15-1.1-15. Registrar in the city of Providence. -- In the city of Providence, the registrar of births, deaths, and marriages shall perform the duties devolved upon town and city clerks by the provisions of this chapter, and all information provided by this chapter to be furnished to town and city clerks shall be furnished to the registrar in Providence.

15-1.1-16. Application of laws. – (1) Parties to a civil union shall have all the same benefits, protections and responsibilities under law as are granted to spouses in a marriage.

(2) A party to a civil union shall be included in any definition or use of the terms "spouse," "family," "immediate family," "dependent," "next of kin," and other terms that denote the spousal relationship.

(3) Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as prescribed under law for married persons.

(4) Laws regarding domestic relations, including annulment, separation and divorce, child custody, support, property division and maintenance shall apply to parties of a civil union.

SECTION 2. Chapter 15-3 of the General Laws entitled "Solemnization of Marriages" is hereby amended by adding thereto the following section:

15-3-5.1. Protection of freedom of religion in marriage. -- (a) Each religious institution has exclusive control over its own religious doctrine, policy, and teachings regarding who may

marry within their faith, and on what terms. No court or other state or local governmental body, entity, agency or commission shall compel, prevent, or interfere in any way with any religious institution's decisions about marriage eligibility within that particular faith's tradition.

(b) Clergy persons as described in section 15-3-5 or 15-3-6 of the general laws or other persons otherwise authorized under law to officiate at a civil marriage shall not be obligated or otherwise required by law to officiate at any particular civil marriage or religious rite of marriage.

SECTION 3. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO DOMESTIC RELATIONS

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This act would provide for civil unions in Rhode Island. The act would also provide for certification and licensing, and fees and recording of civil unions. It would further provide the parties with the rights and responsibilities of spouses.

This act would take effect upon passage.

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