

2021 -- H 5387 SUBSTITUTE A

LC001138/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO DOMESTIC RELATIONS -- MARRIAGE LICENSES

Introduced By: Representatives Casimiro, Noret, Vella-Wilkinson, Caldwell, Alzate, and Kazarian

Date Introduced: February 05, 2021

Referred To: House 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2 Licenses" is hereby repealed.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. Section 14-1-5 of the General Laws in Chapter 14-1 entitled "Proceedings in  
19 Family Court" is hereby amended to read as follows:

20 **14-1-5. Exclusive jurisdiction.**

21 The court shall, as set forth in this chapter, have exclusive original jurisdiction in  
22 proceedings:

23 (1) Concerning any child residing or being within the state who is: (i) delinquent; (ii)  
24 wayward; (iii) dependent; (iv) neglected; or (v) mentally disabled;

25 (2) Concerning adoption of children;

26 (3) To determine the paternity of any child alleged to have been born out of wedlock and  
27 to provide for the support and disposition of that child in case that child or its mother has residence  
28 within the state; and

29 (4) ~~Relating to child marriages, as prescribed by § 15-2-11; and~~

30 (5) Referred to the court in accordance with the provisions of § 14-1-28.

31 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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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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