

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 695
Version: First engrossment

DATE: March 25, 2009

Authors: Hilstrom

Subject: Marriage

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill makes various technical and substantive modifications to the laws governing marriage.

Section

- 1 Persons capable of contracting; minors.** Specifies that a minor who is at least 16 years old who seeks to be married must file a “consent for marriage of a minor” form, which is provided in the bill. The consent form must be notarized.

This section also requires that the district court in the appropriate county review an application for marriage of a minor, rather than the juvenile court.
- 2 Developmentally disabled persons.** Makes a technical correction to reflect that a local registrar issues marriage licenses, not a district court administrator.
- 3 Authorization to perform marriage.** Specifies that a marriage may only be solemnized by a person who is at least 21 years of age, in addition to other existing qualifications.
- 4 Credentials of minister.** Makes a technical correction to reflect that a local registrar records the credentials of a minister, not a district court administrator.
- 5 Parties examined.** Requires that a person solemnizing a marriage be satisfied that a marriage license has been obtained, and that the individuals present to be married are the individuals named on the license.
- 6 Place of marriage.** Requires that a marriage license obtained in Minnesota be only used for a marriage performed within the state of Minnesota.
- 7 Marriage license application form.** Requires that both parties to a marriage apply for a marriage license.

This section also eliminates the requirement that the parties list the name and date of birth

of any children of the couple that were born before the marriage license application was submitted.

If a party listed on a marriage license application does not have a social security number, that party must certify on the application that he or she does not have one.

This section also requires notification that if a party to the marriage has been convicted of a felony, his or her name may not be changed without following the requirements for a felon name change established by other law.

- 8 Premarital education.** Allows one party to a marriage license application to complete the second party's application information, if both are not able to appear before the local registrar for examination of the application. A marriage license may not be released until the absent party submits a notarized statement verifying the contents of the application.

This section also establishes a form for use in requesting a waiver of the required five day marriage license waiting period. The form must be notarized, and contain the reason for requesting a waiver of the waiting period.

A party who requests the reduced marriage license application fee permitted for couples who undergo premarital counseling must submit a signed, dated, and notarized statement on the letterhead of the person who provided the counseling in order for the reduced fee to apply. The statement must be submitted at the time of application for the marriage license.

- 9 Marriage certificate.** Reduces the number of required marriage certificates from three to one, and requires that the certificate contain the birth dates of the parties. The certificate must be filed with the local registrar.
- 10 Certified copy of certificate.** Specifies that a certified copy of a marriage certificate will be issued to the married couple, not to the person who solemnized the marriage.
- 11 Penalty.** Subjects a person solemnizing a marriage to an up to \$100 fine if the person does not file a certificate of marriage with the local registrar within the required timeframe.