

February 15, 2001

H 142. AMEND MARRIAGE STATUTES. *TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES AND TO REQUIRE THAT THOSE PERSONS BE REGISTERED WITH THE SECRETARY OF STATE; TO REQUIRE JUDICIAL APPROVAL BEFORE A TWELVE- OR THIRTEEN-YEAR-OLD APPLICANT MAY BE MARRIED; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.* Rewrites several sections of GS chap. 51 to: (1) broaden modes of solemnization allowed to include those of any religious denomination, Indian Nation or Tribe; (2) allow either parent to give consent for persons over age 16 and under 18, regardless of which parent has custody; (3) allow either parent to give consent for persons age 14 or 15 who are either pregnant or the putative father of a child; (4) require a district or family court to find that persons less than age 14 who are either pregnant or the putative father of a child are capable of assuming the responsibilities of marriage and that marriage serves their interests for some reason other than the pregnancy; (5) require applicants for marriage licenses to be able to answer questions from the register of deeds regarding age, marital status, and intention to marry; (6) set out the form of affidavit for issuing a marriage license when an applicant is unable to appear in person at the register of deeds; (7) expand the geographic scope of the marriage license to encompass the state (was, the county); (8) expand the list of races that can be listed on marriage license to conform to Census categories; and (9) allow correction by the register of deeds of any incorrect information on an application for marriage license or a license itself.

Intro. by Sutton.

Ref. to Judiciary I	GS 51
---------------------	-------

March 26, 2001

H 142. AMEND MARRIAGE STATUTES. Intro. 2/15/01. House committee substitute makes the following changes to 1st edition. Changes title to read *AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN-YEAR-OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.*

Prohibits all marriages by persons under 14 years of age. Permits marriages by persons more than 14 and less than 16, in same circumstances as under current law, but requires order from district court judge finding that marriage of such a person is in person's best interest. Sets out criteria under which such an order may be entered and procedure to be followed in such a case. Amends GS 7B-200 accordingly.

Adds new GS 51-3.2 providing that marriage between man and woman licensed and solemnized according to law of a federally recognized Indian Nation or Tribe is valid, as long as capacity requirements of NC law are met. Modifies new GS 51-8.2, providing for issuance of marriage license to person unable to appear in person, to require personal appearance by at least one party to marriage. Changes effective date to Oct. 1, 2001.

March 28, 2001

H 142. AMEND MARRIAGE STATUTES. Intro. 2/15/01. House amendment makes the following changes to 2nd edition. Makes act effective Oct. 1, 2001.

March 29, 2001

H 142. AMEND MARRIAGE STATUTES. Intro. 2/15/01. House amendment makes the following change to 2nd edition. In section relating to marriages licensed and solemnized by federally recognized Indian Nation or Tribe, deletes condition that the capacity requirements of Art. 1 of Ch. 51 must be met.

April 18, 2001

H 142. AMEND MARRIAGE STATUTES. Intro. 2/15/01. House committee substitute makes the following changes to 3rd edition. (1) The bill revises the provisions of GS 51-2 concerning the written consent needed to be filed with the register of deeds to authorize individuals between 16 and 18 to marry. The committee substitute adds a provision requiring that the written consent must be notarized or signed in the presence of the register of deeds. (2) The bill adds a new GS 51-2A concerning the capacity of individuals between 14 and 16 to marry and requiring the appointment of a guardian ad litem in the court action seeking authorization for such a marriage. The bill provides that the guardian ad litem is to be paid under GS 7B-603 ("payment of court-appointed attorney or guardian ad litem"). The committee substitute replaces that provision with one providing that the guardian ad litem is to be paid under a new provision added by the committee substitute, GS 7A-451(f), which says that the payment is to comply with rules adopted by the Office of Indigent Defense Services. (3) The committee substitute adds a provision amending GS 51-1 to add regular resident superior court judges as officials authorized to conduct marriages. This final provision is effective from May 19, 2001 to May 28, 2001 only.

April 19, 2001

H 142. AMEND MARRIAGE STATUTES. Intro. 2/15/01. Senate committee substitute makes the following changes to 3rd edition. Deletes requirement that written consent for persons between 16 and 18 to marry be acknowledged before a notary or signed in the presence of the register of deeds.

May 14, 2001

SL 2001-62 (H 142). AMEND MARRIAGE STATUTES. AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN-YEAR-OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. Summarized in *Daily Bulletin* 2/15/01, 3/26/01, 3/28/01, 3/29/01, 4/18/01, and 4/19/01. Enacted May 10, 2001. Provision amending GS 51-1 to add regular resident superior court judges as officials authorized to conduct marriages is effective from May 19, 2001 to May 28, 2001 only. Remainder of act is effective Oct. 1, 2001.