

# Bill as Introduced

HB 1377 - AS AMENDED BY THE HOUSE

6Mar2018... 0728h

2018 SESSION

18-2583  
05/06

HOUSE BILL            **1377**

AN ACT                relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

SPONSORS:            Rep. McBeath, Rock. 26

COMMITTEE:          Children and Family Law

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AMENDED ANALYSIS

This bill provides that a minor validly married under state law shall be considered emancipated by marriage for the purposes of making health care decisions and entering into consumer contracts. The bill also establishes a committee to study emancipation of minors.

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Explanation:        Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struckthrough~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eighteen*

AN ACT                   relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Common Law Rule Abrogated; Emancipation by Marriage. Amend RSA 21-B by  
2 inserting after section 2 the following new section:

3           21-B:3 Emancipation by Marriage. Any person under 18 years of age who is validly married  
4 pursuant to RSA 457:4 shall be considered to be emancipated by marriage solely for the purposes of  
5 making health care decisions and entering into binding consumer contracts, as defined in RSA 382-  
6 A:1-201. In such cases, the certificate of marriage shall provide conclusive evidence of  
7 emancipation.

8           2 Committee Established.

9           I. There is established a committee to study emancipation of minors.

10          II. The members of the committee shall be as follows:

11           (a) Four members of the house of representatives, appointed by the speaker of the house  
12 of representatives.

13           (b) One member of the senate, appointed by the president of the senate.

14          III. Members of the committee shall receive mileage at the legislative rate when attending  
15 to the duties of the committee.

16          IV. The committee shall study the emancipation of minors, including state laws governing  
17 emancipation, the circumstances under which a minor may be emancipated, the procedure for  
18 obtaining emancipation, and the legal consequences of emancipation.

19          V. The members of the study committee shall elect a chairperson from among the members.  
20 The first meeting of the committee shall be called by the first-named house member. The first  
21 meeting of the committee shall be held within 45 days of the effective date of this section. Three  
22 members of the committee shall constitute a quorum.

23          VI. The committee shall report its findings and any recommendations for proposed  
24 legislation to the speaker of the house of representatives, the president of the senate, the house  
25 clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

26          3 Effective Date.

27           I. Section 1 of this act shall take effect January 1, 2019.

28           II. The remainder of this act shall take effect upon its passage.

# Amendments

Senate Judiciary  
April 9, 2018  
2018-1404s  
05/06

Amendment to HB 1377

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the emancipation of minors.

4

5 Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2,  
6 respectively.

7

8 Amend the bill by replacing section 2 with the following:

9

10 2 Effective Date. This act shall take effect upon its passage.

**Amendment to HB 1377**  
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2018-1404s

**AMENDED ANALYSIS**

**This bill establishes a committee to study emancipation of minors.**

# Committee Minutes

**Senate Judiciary Committee**  
*Jennifer Horgan 271-3092*

**HB 1377**, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

**Hearing Date:** April 3, 2018

**Time Opened:** 10:08 a.m.

**Time Closed:** 10:30 a.m.

**Members of the Committee Present:** Senators Carson, Lasky, French, Gannon and Hennessey

**Members of the Committee Absent :** None

**Bill Analysis:** This bill provides that a minor validly married under state law shall be considered emancipated by marriage for the purposes of making health care decisions and entering into consumer contracts. The bill also establishes a committee to study emancipation of minors.

**Sponsors:**  
Rep. McBeath

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**Who supports the bill:** Representative Itse; Representative Walz; Representative Lerner; Keith Kuenning, Child and Family Services; Louise Spencer

**Who opposes the bill:** Representative Campion

**Who is neutral on the bill:** Representative Rice

**Summary of testimony presented in support:**

**Representative Itse**

- The emancipation of minors who get married needs to be addressed.
- Under common law, an individual who gets married is emancipated, but that is not common knowledge.
- Without the powers that come with emancipation, these individuals have issues renting apartments, contracting for electrical work, etc.
- This gives them a restricted emancipation for the purposes of healthcare decisions and binding consumer contracts.
- Shared a story of a young woman who gave birth at 16, who was under the guardianship of her grandmother. The young woman could not make her own healthcare decisions, but could make healthcare decisions for her child.
- The study committee is meant to evaluate what other things need to be done in relation to emancipation in military service, difficult family positions, etc.
- Senator Lasky asked what happens if there is a divorce before the minor turns 18.
  - They would remain emancipated.



- Senator Gannon asked about the fact that the current marriage age is 13/14. Is aware that there is a bill coming forward.
  - Understands that concern and changing the marriage age is before the Senate right now.
- Senator Carson asked if it is better to pass the study committee where the marriage issue can be fully vetted rather than going piece meal.
  - No. If the Legislature is amending the marriage laws to deal with minors, those minors need to be emancipated for setting up and managing their households. This is narrow in order to keep social issues out of it. If the State is going to allow young people to get married at those ages, then they ought to allow them to set up their household.
- Senator Carson raised the concern that this allows minors to enter into consumer contracts, but they cannot sign their own divorce decree.
  - Understands the concern. It was the opinion of the Committee that they would have that power to sign their own divorce decree under this.

### **Representative Walsh**

- Concerned about a young girl being trapped in a marriage and being unable to make her own decisions about birth control and healthcare.
- Also, did not want a young woman to not be able to sign a lease and get out of a marriage on her own.
- That young woman may have severed ties with her parents and this will allow her to have her own bank account and sign her own lease.
- The House Committee was cautioned by the Department of Health and Human Services to not go for full emancipation in order to not have individuals getting married solely for the purpose of emancipation.
- Would be supportive of clarifying the fact that these individuals would have the ability to sign a divorce decree.
- Senator Hennessey asked what happens if this is passed before the marriage age is passed.
  - This was done under the assumption that the age of 16 would go forward as the new marriage age.
- Senator Lasky asked why the State should make it easier for a young woman to enter into marriage.
  - Shares her concerns. There is a package of four bills coming from the House, including one that changes the marriage age to 16 and another bill that changes the standards for a judge to approve a marriage, in order to ensure that it is in the best interest of the minor. Believes those bills make it hard enough for someone to get married, so that if a judge approves it the State should give them control over their healthcare and give them the ability to leave the marriage if they so choose.
- Senator Lasky asked if young people under 16 are being coerced by their parents to get married.
  - Yes.
- Senator Lasky asked if this bill does anything to stop that.
  - This bill does not, but the other bill will address that.
- Senator French asked how many people under the age of 17 were married in NH in the past few years

- Does not know.

**Representative Lerner**

- Currently, no shelter will accept an unaccompanied minor.
- A minor's only choice would be to go back to the parents that approved the marriage in the first place.
- Without this emancipation they would have nowhere to go.

**Keith Kuennen** (Child and Family Services)

- Supports 85% of the bill.
- Strongly supports setting up the study committee.
- Emancipation is a very complicated issue
- About 5-10 minors a year that would be affected by this.
- Concerned about the first part of the bill.
- Would like emancipation to be looked at holistically by the study committee before making any moves on emancipation.

**Summary of testimony presented in opposition:**

None

**Neutral Information Presented:**

None

**Future Action:** Pending

jch  
Date Hearing Report completed: April 6, 2018

# Speakers





# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, April 24, 2018

THE COMMITTEE ON Judiciary

to which was referred **HB 1377**

AN ACT

relative to emancipation by marriage and establishing  
a committee to study the emancipation of minors.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1404s

Senator Martha Hennessey  
For the Committee

The bill as amended establishes a committee to study the emancipation of minors. The Committee amended the bill to remove the automatic emancipation of minors by marriage, as the issue of emancipation needs to be examined as whole.

Jennifer Horgan 271-3092

FOR THE CONSENT CALENDAR

**JUDICIARY**

**HB 1377**, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

Ought to Pass with Amendment, Vote 5-0.

Senator Martha Hennessey for the committee.

The bill as amended establishes a committee to study the emancipation of minors. The Committee amended the bill to remove the automatic emancipation of minors by marriage, as the issue of emancipation needs to be examined as whole.