

CHAPTER 273
HB 1661 - FINAL VERSION

6Mar2018... 0461h
04/19/2018 1403s

2018 SESSION

18-2681
05/04

HOUSE BILL ***1661***

AN ACT relative to a marriage petition by a party under age.

SPONSORS: Rep. Gourgue, Straf. 25; Rep. Cilley, Straf. 4; Rep. Read, Rock. 17; Sen.
Fuller Clark, Dist 21

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that the court shall not grant permission for a person under the age of consent to marry unless the court finds by clear and convincing evidence that the marriage is in his or her best interest.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in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

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to a marriage petition by a party under age.

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

1 273:1 Petition by a Party Under Age. Amend RSA 457:6 and RSA 457:7 to read as
2 follows:

3 457:6 Petition by Party Under Age.

4 *I. If ~~[special cause exists rendering desirable]~~ the marriage of a person resident*
5 *in this state, or the marriage of a person who is a nonresident in this state who applies*
6 *for permission to marry a resident in this state, either person being below the age of*
7 *consent and above the ages specified in RSA 457:4, **is desired**, the parties desiring to*
8 *contract such marriage, with the parent or guardian having the custody of such party*
9 *below such age, if there be such parent or guardian, may apply in writing to the judicial*
10 *branch family division having jurisdiction in the location in which one of them resides,*
11 *for permission to contract such marriage.*

12 *II. The petition shall indicate whether, to the knowledge of the petitioner, the*
13 *department of health and human services, bureau of child protection services has*
14 *contacted or been involved with the family of the person under the age of consent.*

15 *III. As part of the decision making process, the court may conduct an in camera*
16 *interview of each person under the age of consent, without that person's parent or*
17 *guardian or the other party to the marriage present.*

18 *IV. Permission to contract such marriage shall be granted only upon clear and*
19 *convincing evidence that the marriage is in the best interest of the person or persons*
20 *below the age of consent.*

21 *V. No ~~[waiver]~~ **permission** shall be granted to persons below the age of consent if*
22 *both parties are nonresidents.*

23 457:7 Granting of Permission. Such justice or judge shall at once hear the parties,
24 and, if satisfied that ~~[special cause exists making such marriage desirable]~~ *it has been*
25 *shown by clear and convincing evidence that the marriage is in the best interest of the*
26 *person or persons below the age of consent*, shall grant permission therefor, which shall
27 be filed with the court and shall be reported to the division of vital records. The division
28 shall note the fact of the granting of such permission upon the certificate and upon all
29 copies thereof which are by law required to be kept.

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273:2 Effective Date. This act shall take effect January 1, 2019.

Approved: June 18, 2018

Effective Date: January 01, 2019