

Rep. K. Rice, Hills. 37
Rep. Spencer, Straf. 18
Rep. Berrien, Rock. 18
Rep. Weber, Ches. 1
February 5, 2018
2018-0461h
05/10

Amendment to HB 1661

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

2
3 AN ACT relative to a marriage petition by a party under age.

4
5 1 Petition by a Party Under Age. Amend RSA 457:6 and RSA 457:7 to read as follows:
6 457:6 Petition by Party Under Age.

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

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

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

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

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

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

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1 kept.

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

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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.