P.L. 2018, CHAPTER 42, ***approved June 22, 2018***
Senate, No. 427

AN ACT concerning marriage and civil unions and amending various sections of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.37:1-4 is amended to read as follows:

37:1-4. Issuance of marriage or civil union license, emergencies, validity.

[Except as provided in R.S.37:1-6, the**]** The marriage or civil union license shall not be issued by a licensing officer sooner than 72 hours after the application therefor has been made; provided, however, that the Superior Court may, by order, waive all or any part of said 72-hour period in cases of emergency, upon satisfactory proof being shown to it. Said order shall be filed with the licensing officer and attached to the application for the license.

A marriage or civil union license, when properly issued as provided in this article, shall be good and valid only for 30 days after the date of the issuance thereof.

(cf: P.L.2006, c.103, s.9)

2. N.J.S.2A:34-1 is amended to read as follows:

2A:34-1. Causes for judgments of nullity.

(1) Judgments of nullity of marriage may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of a second or other marriage.

b. The parties are within the degrees prohibited by law. If any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, and has not subsequently ratified the marriage.

d. The parties, or either of them, lacked capacity to marry due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the marital relationship; duress; or fraud as to the essentials of marriage; and has not subsequently ratified the marriage.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

e. The demand for such a judgment is by the wife or husband who was under the age of 18 years at the time of the marriage[, unless such marriage be confirmed by her or him after arriving at such age].

f. Allowable under the general equity jurisdiction of the Superior Court.

(2) Judgments of nullity of a civil union may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of establishing the new civil union.

b. The parties are within the degrees prohibited by the law from entering into a marriage or establishing a civil union or domestic partnership. If any such civil union shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, lacked capacity to enter into a civil union due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the civil union; duress; or fraud as to the essentials of a civil union; and has not subsequently ratified the civil union.

d. The demand for such a judgment is by the party who was under the age of 18 years at the time of the civil union[, unless such civil union be confirmed by him after arriving at such age].

e. Allowable under the general equity jurisdiction of the Superior Court.

(cf: P.L.2006, c.103, s.63)

3. R.S.37:1-6 is amended to read as follows:

37:1-6. A marriage or civil union license shall not be issued to a minor under the age of 18 years[, unless the parents or guardian of the minor, if any, first certify, in the presence of two reputable witnesses, consent thereto, which shall be delivered to the licensing officer issuing the license. Consent to the proposed marriage or civil union by a parent or guardian who is mentally incapacitated shall not be required.

When a minor is under the age of 16 years, the consent required by this section must be approved in writing by a judge of the Superior Court, Chancery Division, Family Part and filed with the licensing officer.

The licensing officer shall transmit to the State registrar all consents, orders, and approvals subject to the same penalty as in the case of marriage or civil union certificates or licenses].

(cf: P.L.2013, c.103, s.105)

4. Section 3 of P.L.2006, c.103 (C.37:1-30) is amended to read as follows:

3. For two persons to establish a civil union in this State, it shall be necessary that they satisfy all of the following criteria:

a. Not be a party to another civil union, domestic partnership or marriage in this State;

b. Be of the same sex; and

c. Be at least 18 years of age[, except as provided in section 10 of this act].

(cf: P.L.2006, c.103, s.3)

5. This act shall take effect immediately.

Bars persons under age 18 from marrying or entering into a civil union.