CHAPTER 76--H.F.No. 745

An act relating to marriage; eliminating provisions allowing marriages by minors; requiring proof of age; amending Minnesota Statutes 2018, sections 517.02; 517.03, subdivision 1; 517.08, subdivisions 1a, 1b, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2018, section 517.02, is amended to read:

517.02 PERSONS CAPABLE OF CONTRACTING.

~~Every~~ A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent. ~~A person of the full age of 16 years may, with the consent of the person's legal custodial parents, guardian, or the court, as provided in section 517.08, receive a license to marry, when, after a careful inquiry into the facts and the surrounding circumstances, the person's application for a license and consent for civil marriage of a minor form is approved by the judge of the district court of the county in which the person resides. If the judge of the district court of the county in which the person resides is absent from the county and has not by order assigned another judge or a retired judge to act in the judge's stead, then the court commissioner or any judge of district court of the county may approve the application for a license.~~

~~The consent for civil marriage of a minor must be in the following form:~~

~~STATE OF MINNESOTA, COUNTY OF ..... (insert county name)~~

~~I/We ..... (insert legal custodial parent or guardian names) under oath or affirmation say:~~

~~That I/we are the legal custodial parent(s) or guardian of ..... (insert name of minor), who was born at ..... (insert place of birth) on ..... (insert date of birth) who is presently the age of ..... (insert age).~~

~~That the minor has not been previously married.~~

~~That I/we consent to the civil marriage of this minor to ..... (insert name of the person minor intends to marry) who is of the age of ..... (insert age).~~

~~That affidavit is being made for the purpose of requesting the judge's consent to allow this minor to marry and make this civil marriage legal.~~

~~Date: .....~~

~~.....~~

~~.....~~

~~(Signature of legal custodial parents or guardian)~~

~~Sworn to or affirmed and acknowledged before me on this ..... day of ..... .~~

~~.....~~

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~~NOTARY PUBLIC~~

~~STATE OF MINNESOTA, COUNTY OF ..... (insert county name).~~

~~The undersigned is the judge of the district court where the minor resides and grants the request for the minor to marry.~~

~~..... (judge of district court)~~

~~..... (date).~~

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2020, and applies to marriages entered into on or after that date.

Sec. 2. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The following civil marriages are prohibited:

(1) a civil marriage entered into before the dissolution of an earlier civil marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(2) a civil marriage between an ancestor and a descendant, or between siblings, whether the relationship is by the half or the whole blood or by adoption; ~~and~~

(3) a civil marriage between an uncle or aunt and a niece or nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to civil marriages permitted by the established customs of aboriginal cultures~~.~~; and

(4) a civil marriage entered into between persons when both have not attained the full age of 18 years.

(b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute, is void and against the public policy of this state unless neither party was a resident of this state at the time the marriage was entered into.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2020, and applies to marriages entered into on or after that date.

Sec. 3. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties and the sex of each party;

(2) their post office addresses and county and state of residence;

(3) their full ages;

(4) if either party has previously been married, the party's married name, and the date, place and court in which the civil marriage was dissolved or annulled or the date and place of death of the former spouse;

~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

~~(6)~~ (5) whether the parties are related to each other, and, if so, their relationship;

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~~(7)~~ (6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;

~~(8)~~ (7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;

~~(9)~~ (8) if one or both of the parties to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and

~~(10)~~ (9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2020, and applies to applications submitted to the local registrar on or after that date.

Sec. 4. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of $115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed $1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is $40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

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(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, ... (name of educator), confirm that ..... (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2020, and applies to applications submitted to the local registrar on or after that date.

Sec. 5. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to read:

Subd. 1d. **Proof of age.** For purposes of this section, proof of the age of a party may be established in the form of:

(1) an original or certified copy of a birth certificate or birth record;

(2) a driver's license or other identification card issued by a government entity or school; or

(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.

Presented to the governor May 12, 2020

Signed by the governor May 12, 2020, 7:16 p.m.

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