



MARRIAGE LICENSE LAWS OF CONNECTICUT

Sections 46b-20 to 46b-35b, inclusive, & Sections 46b-38qq to 46b-38rr of the Connecticut General Statutes

Sec. 46b-35a. Refusal to provide services or accommodations related to the solemnization or celebration of a marriage on religious grounds. Notwithstanding any other provision of law, a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage or celebration of a marriage and such solemnization or celebration is in violation of their religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

Sec. 46b-35b. Effect of marriage equality law on provision of adoption, foster care or social services by religious organization. Nothing in this act shall be deemed or construed to affect the manner in which a religious organization may provide adoption, foster care or social services if such religious organization does not receive state or federal funds for that specific program or purpose.

Sec. 46b-38qq. Merger of civil union into marriage by action of the parties. (a) On and after April 23, 2009, and prior to October 1, 2010, two persons who are parties to a civil union entered into pursuant to sections 46b-38aa to 46b-38oo, inclusive, may apply for and be issued a marriage license, provided such persons are otherwise eligible to marry under chapter 815e and the parties to the marriage will be the same as the parties to the civil union.

(b) After the celebration of such marriage and upon the recording of the license certificate or notarized affidavit with the registrar of vital statistics of the town where the marriage took place pursuant to section 46b-34, the civil union of such persons shall be merged into the marriage by operation of law as of the date of the marriage stated in the certificate or affidavit.

Sec. 46b-38rr. Merger of civil union into marriage by default. Exception. (a) Two persons who are parties to a civil union established pursuant to sections 46b-38aa to 46b-38oo, inclusive, that has not been dissolved or annulled by the parties or merged into a marriage by operation of law under section 46b-38qq as of October 1, 2010, shall be deemed to be married under chapter 815e on said date and such civil union shall be merged into such marriage by operation of law on said date.

(b) Notwithstanding the provisions of subsection (a) of this section, the parties to a civil union with respect to which a proceeding for dissolution, annulment or legal separation is pending on October 1, 2010, shall not be deemed to be married on said date and such civil union shall not be merged into such marriage by operation of law but shall continue to be governed by the provisions of the general statutes applicable to civil unions in effect prior to October 1, 2010.

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Section 46b-20. Definitions.

As used in this chapter:

- (1) "Registrar" means the registrar of vital statistics;
- (2) "Applicant" means applicant for a marriage license;
- (3) "License" means marriage license; and
- (4) "Marriage" means the legal union of two persons.

Section 46b-20a. Eligibility to Marry.

(a) A person is eligible to marry if such person is:

- (1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other relationship;
- (2) Except as provided in subsection (b) of this section, at least eighteen years of age;
- (3) Except as provided in section 46b-29, not under the supervision or control of a conservator; and
- (4) Not prohibited from entering into a marriage pursuant to section 46b-21.

(b) A license may be issued to a minor who is at least sixteen years of age but under eighteen years of age with the approval of the Probate Court as provided in this subsection. A parent or guardian of a minor may, on behalf of the minor, petition the Probate Court for the district in which the minor resides seeking approval for the issuance of a license to such minor. The court shall schedule a hearing on the petition and give notice to the minor, the minor's parents or guardians and to the other party to the intended marriage. The minor and the petitioning parent or guardian shall be present at such hearing. The court may, in its discretion, require the other party to the intended marriage to be present at such hearing. After a hearing on the petition, the court may approve the issuance of a license to the minor if the court finds that: (1) The petitioning parent or guardian consents to the marriage; (2) the minor consents to the marriage and such consent is based upon an understanding of the nature and consequences of marriage; (3) the minor has sufficient capacity to make such a decision; (4) the minor's decision to marry is made voluntarily and free from coercion; and (5) the marriage would not be detrimental to the minor.

Section 46b-21. Marriage of persons related by consanguinity or affinity prohibited.

No person may marry such person's parent, grandparent, child, grandchild, sibling, parent's sibling, sibling's child, stepparent or stepchild. Any marriage within these degrees is void.

Sec. 46b-22. (Formerly Sec. 46-3). Who may join persons in marriage. Penalty for unauthorized performance.

(a) Persons authorized to solemnize marriages in this state include (1) all judges and retired judges, either elected or appointed, including federal judges and judges of other states who may legally join persons in marriage in their jurisdictions, (2) family support magistrates, state referees and justices of the peace who are appointed in Connecticut, and (3) all

ordained or licensed members of the clergy, belonging to this state or any other state. All marriages solemnized according to the forms and usages of any religious denomination in this state, including marriages witnessed by a duly constituted Spiritual Assembly of the Baha'is, are valid. All marriages attempted to be celebrated by any other person are void.

(b) No public official legally authorized to issue marriage licenses may join persons in marriage under authority of a license issued by himself, or his assistant or deputy; nor may any such assistant or deputy join persons in marriage under authority of a license issued by such public official.

(c) Any person violating any provision of this section shall be fined not more than fifty dollars.

Sec. 46b-22a. Validation of marriages performed by unauthorized justice of the peace. All marriages celebrated before June 7, 2006, otherwise valid except that the justice of the peace joining such persons in marriage did not have a valid certificate of qualification, are validated, provided the justice of the peace who joined such persons in marriage represented himself or herself to be a duly qualified justice of the peace and such persons reasonably relied upon such representation.

Section 46b-22b. Refusal to solemnize or participate in ceremony solemnizing a marriage on religious grounds.

- (a) No member of the clergy authorized to join persons in marriage pursuant to section 46b-22 of the general statutes shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the first amendment to the United States Constitution or section 3 of article first of the Constitution of the state.
- (b) No church or qualified church-controlled organization, as defined in 26 USC 3121, shall be required to participate in a ceremony solemnizing a marriage in violation of the religious beliefs of that church or qualified church-controlled organization.

Sec. 46b-23. (Formerly Sec. 46-4). Joining persons in marriage knowingly without authority.

Any person who undertakes to join persons in marriage, knowing that he is not authorized to do so, shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

Sec. 46b-24. (Formerly Sec. 46-5a). License. Period of validity. Penalty for solemnization without license. Validity of marriage ceremony.

(a) Except as provided in section 46b-28a, no persons may be joined in marriage in this state until both have complied with the provisions of this section, section 46b-25 and sections 46b-29 to 46b-33, inclusive, and have been issued a license by the registrar for the town in which the marriage is to be celebrated, which license shall bear the certification of the registrar that the persons named therein have complied with the provisions of said sections.

(b) Such license, when certified by the registrar, is sufficient authority for any person authorized to perform a marriage ceremony in this state to join such persons in marriage, provided the ceremony is performed within a period of not more than sixty-five days after the date of application.

(c) Anyone who joins any persons in marriage without having received such license from them shall be fined not more than one hundred dollars.

(d) Except as otherwise provided in this chapter, in order to be valid in this state, a marriage ceremony shall be conducted by and in the physical presence of a person who is authorized to solemnize marriages.

Sec. 46b-24a. Validation of marriages occurring in town other than town where license issued. All marriages celebrated before June 7, 2006, otherwise valid except that the license for any such marriage was issued in a town other than the town in this state in which such marriage was celebrated, or where either party to the marriage resided at the time of the marriage license application, are validated.

Sec. 46b-25. (Formerly Sec. 46-5b). Application for license. No license may be issued by the registrar until both persons have appeared before the registrar and made application for a license. The registrar shall issue a license to any two persons eligible to marry under this chapter. The license shall be completed in its entirety, dated, signed and sworn to by each applicant and shall state each applicant's name, age, race, birthplace, residence, whether single, widowed or divorced and whether under the supervision or control of a conservator or guardian. The Social Security

numbers of both persons shall be recorded in the "administrative purposes" section of the license. If the license is signed and sworn to by the applicants on different dates, the later date shall be deemed the date of application.

Sec. 46b-28. When marriages in foreign country are valid. All marriages in which one or both parties are citizens of this state, celebrated in a foreign country, shall be valid, provided: (1) Each party would have legal capacity to contract such marriage in this state and the marriage is celebrated in conformity with the law of that country; or (2) the marriage is celebrated, in the presence of the ambassador or minister to that country from the United States or in the presence of a consular officer of the United States accredited to such country, at a place within his consular jurisdiction, by any ordained or licensed clergyman engaged in the work of the ministry in any state of the United States or in any foreign country.

Section 46b-28a. Recognition of marriages and other relationships entered into in another state or jurisdiction. A marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, between two persons entered into in another state or jurisdiction and recognized as valid by such other state or jurisdiction shall be recognized as a valid marriage in this state, provided such marriage or relationship is not expressly prohibited by statute in this state.

Section 46b-28b. Recognition by another state or jurisdiction of marriages entered into in this state. A marriage between two persons entered into in this state and recognized as valid in this state may be recognized as a marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, in another state or jurisdiction if one or both persons travel to or reside in such other state or jurisdiction.

Section 46b-28c. Prior divorce in another state or country. Validity of marriage in this state. No marriage shall be presumed to be invalid or bigamous because a prior divorce of one of the parties that was entered legally in another state or country does not meet the jurisdictional requirements of the law of this state.

Section 46b-28d. Recognition of marriage entered into at Mashantucket Pequot reservation or Mohegan reservation. All marriages celebrated before May 27, 2016, under a tribal marriage license at the Mashantucket Pequot reservation or Mohegan reservation are recognized as a valid marriage in this state, provided the marriage is recognized under the laws of the Mashantucket Pequot Tribal Nation or the Mohegan Tribe of Indians of Connecticut and not otherwise expressly prohibited by statute in this state.

Sec. 46b-29. (Formerly Sec. 46-5e). Marriage of persons under conservatorship. (a) No marriage license may be issued to any applicant under the supervision or control of a conservator, appointed in accordance with sections 45a-644 to 45a-662, inclusive, unless the written consent of the conservator, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5a, or authorized to take acknowledgments in any other state or country, is filed with the registrar.

Sec. 46b-33. (Formerly Sec. 46-5j). Copy of law to applicants. Each registrar shall issue a copy of sections 46b-24, 46b-25 and 46b-29 to 46b-33, inclusive, to any person making application for a license.

Sec. 46b-34. (Formerly Sec. 46-7). Marriage certificate. Affidavit in lieu of certificate. (a) Each person who joins any person in marriage shall certify upon the license certificate the fact, time and place of the marriage, and return it to the registrar of the town where the marriage took place, before or during the first week of the month following the marriage. Any person who fails to do so shall be fined not more than ten dollars.

(b) If any person fails to return the certificate to the registrar, as required under subsection (a) of this section, the persons joined in marriage may provide the registrar with a notarized affidavit attesting to the fact that they were joined in marriage and stating the date and place of the marriage. Upon the recording of such affidavit by the registrar, the marriage of the affiants shall be deemed to be valid as of the date of the marriage stated in the affidavit.

Sec. 46b-35. Certificates prima facie evidence. The certificates required by sections 46b-24, 46b-24a, 46b-25 and 46b-29 to 46b-34, inclusive, or an affidavit recorded pursuant to subsection (b) of section 46b-34, shall be prima facie evidence of the facts stated in them.