

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 46.
DOMESTIC RELATIONS.

CHAPTER 4.
MARRIAGE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 4. MARRIAGE.

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CHAPTER 4. MARRIAGE.

§ 46-401. EQUAL ACCESS TO MARRIAGE.

(a) Marriage is the legally recognized union of 2 persons. Any person may enter into a marriage in the District of Columbia with another person, regardless of gender, unless the marriage is expressly prohibited by § 46- 401.01 or § 46-403.

(b) Where necessary to implement the rights and responsibilities relating to the marital relationship or familial relationships, gender-specific terms shall be construed to be gender neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law.

(Mar. 3, 1901, 312 Stat. 1391, ch. 854, 1283, as added Mar. 3, 2010, D.C. Law 18-110, § 2(b), 57 DCR 27.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-110, the "Religious Freedom and Civil Marriage Equality Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-482, which was referred to the Committee on Public Safety and the Judiciary. The bill was adopted on first and second readings on December 1, 2009, and December 15, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-248 and transmitted to both Houses of Congress for its review. D.C. Law 18-110 became effective on March 3, 2010.

Law 18-9, the "Jury and Marriage Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-10 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 7, 2009, and May 5, 2009, respectively. Signed by the Mayor on May 6, 2009, it was assigned Act No. 18-70 and transmitted to both Houses of Congress for its review. D.C. Law 18-9 became effective on July 7, 2009.

Editor's Notes

Former § 46-401 has been recodified as § 46-401.01 by D.C. Law 18-110, § 2(a).

§ 46-401.01. MARRIAGES VOID AB INITIO--IN GENERAL.

The following marriages are prohibited in the District of Columbia and shall be absolutely void ab initio, without being so decreed, and their nullity may be shown in any collateral proceedings, namely:

(1) Repealed.

(2) Repealed.

(2A) The marriage of a person with a person's grandparent, grandparent's spouse, spouse's grandparent, parent's sibling, parent, step-parent, spouse's parent, child, spouse's child, child's spouse, sibling, child's child, child's child's spouse, spouse's child's child, sibling's child.

(3) The marriage of any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.

(Mar. 3, 1901, 31 Stat. 1391, ch. 854, § 1283; July 7, 2009, D.C. Law 18-9, § 3(a), 56 DCR 3797; redesignated as § 1283a, Mar. 3, 2010, D.C. Law 18-110, § 2(a), 57 DCR 27.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 46-401.

1981 Ed., § 30-101.

1973 Ed., § 30-101.

Effect of Amendments

D.C. Law 18-9 repealed pars. (1) and (2); and added par. (2A). Prior to amendment, pars. (1) and (2) read as follows:

"(1) The marriage of a man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter;

"(2) The marriage of a woman with her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son;".

Legislative History of Laws

Law 18-9, the "Jury and Marriage Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-10 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 7, 2009, and May 5, 2009, respectively. Signed by the Mayor on May 6, 2009, it was assigned Act No. 18-70 and transmitted to both Houses of Congress for its review. D.C. Law 18-9 became effective on July 7, 2009.

For Law 18-110, see notes following § 46-401.

Editor's Notes

Former § 46-401 has been recodified as § 46-401.01 by D.C. Law 18-110, § 2(a).

§ 46-402. MARRIAGES VOID AB INTIO--JUDICIAL DECREE.

Any of such marriages may also be declared to have been null and void by judicial decree.

(Mar. 3, 1901, 31 Stat. 1391, ch. 854, § 1284.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-102.

1973 Ed., § 30-102.

§ 46-403. MARRIAGES VOID FROM DATE OF DECREE; AGE OF CONSENT.

The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely:

(1) The marriage of a person adjudged to be, or to have been at the time a marriage was performed, unable by reason of mental incapacity to give valid consent to marriage;

(2) Any marriage the consent to which of either party has been procured by force or fraud;

(3) Repealed.

(4) When either of the parties is under the age of consent, which is hereby declared to be 16 years of age.

(Mar. 3, 1901, 31 Stat. 1391, ch. 854, § 1285; June 30, 1902, 32 Stat. 543, ch. 1329; Aug. 12, 1937, 50 Stat. 626, ch. 596, § 1; July 22, 1976, D.C. Law 1-75, § 5(d), 23 DCR 1182; Sept. 11, 2008, D.C. Law 17-222, § 2, 55 DCR 8295.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-103.

1973 Ed., § 30-103.

Effect of Amendments

D.C. Law 17-222 rewrote par. (1) and repealed par. (3), which had read as follows:

"(1) The marriage of an idiot or of a person adjudged to be a lunatic;"

"(3) Any marriage either of the parties to which shall be incapable, from physical causes, of entering into the married state;".

Legislative History of Laws

Law 1-75 was introduced in Council and assigned Bill No. 1-252, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on April 6, 1976, and April 20, 1976, respectively. Signed by the Mayor on May 14, 1976, it was assigned Act No. 1- 116 and transmitted to both Houses of Congress for its review.

Law 17-222, the "Marriage Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-533, which was referred to the Committee of Public Safety and Judiciary. The Bill was adopted on first and second readings on June 3, 2008, and July 1, 2008, respectively. Signed by the Mayor on July 16, 2008, it was assigned Act No. 17-442 and transmitted to both Houses of Congress for its review. D.C. Law 17-222 became effective on September 11, 2008.

§ 46-404. PERSONS ALLOWED TO INSTITUTE ANNULMENT PROCEEDINGS.

A proceeding to declare the nullity of a marriage may be instituted in the case of an infant under the age of consent by such infant, through a next friend, or by the parent or guardian of such infant; and in the case of a person with mental illness, by next friend. But no such proceedings shall be allowed to be instituted by any person who, being fully capable of contracting a marriage, has knowingly and wilfully contracted any marriage declared illegal by the foregoing sections.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1286; June 30, 1902, 32 Stat. 543, ch. 1329; Sept. 26, 2012, D.C. Law 19-169, § 23(e), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-104.

1973 Ed., § 30-104.

Effect of Amendments

D.C. Law 19-169 substituted "in the case of a person with mental illness" for "in the case of an idiot or lunatic"

Legislative History of Laws

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.

§ 46-405. ILLEGAL MARRIAGES ENTERED INTO IN ANOTHER JURISDICTION.

If any marriage declared illegal by the foregoing sections shall be entered into in another jurisdiction by persons having and retaining their domicile in the District of Columbia, such marriage shall be deemed illegal, and may be decreed to be void in said District in the same manner as if it had been celebrated therein.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1287.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-105.

1973 Ed., § 30-105.

§ 46-405.01. RECOGNITION OF MARRIAGES FROM OTHER JURISDICTIONS.

A marriage legally entered into in another jurisdiction between 2 persons of the same sex that is recognized as valid in that jurisdiction, that is not expressly prohibited by §§ 46-401.01 through 46-404, and has not been deemed illegal under § 46-405, shall be recognized as a marriage in the District.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1287a, as added July 7, 2009, D.C. Law 18-9, § 3(b), 56 DCR 3797; Mar. 3, 2010, D.C. Law 18-110, § 2(c), 57 DCR 27.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-110 substituted "§§ 46-401.01" for "§§ 46-401".

Legislative History of Laws

For Law 18-9, see notes following § 46-401.

For Law 18-110, see notes following § 46-401.

§ 46-406. PERSONS AUTHORIZED TO CELEBRATE MARRIAGES.

(a) For the purposes of this section, the term:

(1) "Religious" includes or pertains to a belief in a theological doctrine, a belief in and worship of a divine ruling power, a recognition of a supernatural power controlling man's destiny, or a devotion to some principle, strict fidelity or faithfulness, conscientiousness, pious affection, or attachment.

(2) "Society" means a voluntary association of individuals for religious purposes.

(b) For the purpose of preserving the evidence of marriages in the District of Columbia, every minister of any religious society approved or ordained according to the ceremonies of his religious society, whether his residence is in the District of Columbia or elsewhere in the United States or the territories, may be authorized by any judge of the Superior Court of the District of Columbia to celebrate marriages in the District of Columbia. Marriages may also be performed by any judge or justice of any court of record; provided, that marriages of any religious society which does not by its own custom require the intervention of a minister for the celebration of marriages may be solemnized in the manner prescribed and practiced in any such religious society, the license in such case to be issued to, and returns to be made by, a person appointed by such religious society for that purpose. The Clerk of the Superior Court of the District of Columbia or such deputy clerks of the Court as may, in writing, be designated by the Clerk and approved by the Chief Judge, may celebrate marriages in the District of Columbia.

(c) No priest, imam, rabbi, minister, or other official of any religious society who is authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any marriage.

(d) Each religious society has exclusive control over its own theological doctrine, teachings, and beliefs regarding who may marry within that particular religious society's faith.

(e)(1) Notwithstanding any other provision of law, a religious society, or a nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society, shall not be required to provide services, accommodations, facilities, or goods for a purpose related to the solemnization or celebration of a marriage, or the promotion of marriage through religious programs, counseling, courses, or retreats, that is in violation of the religious society's beliefs.

(2) A refusal to provide services, accommodations, facilities, or goods in accordance with this subsection shall not create any civil claim or cause of action, or result in a District action to penalize or withhold benefits from the religious society or nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1288; Apr. 23, 1904, 33 Stat. 297, ch. 1490, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 5, 1966, 80 Stat. 264, Pub. L. 89-493, § 13(a), (b); July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Jan. 26, 1982, D.C. Law 4-60, § 2, 28 DCR 4768; Mar. 3, 2010, D.C. Law 18-110, § 2(d), 57 DCR 27.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-106.

1973 Ed., § 30-106.

Effect of Amendments

D.C. Law 18-110 added subsecs. (c), (d), and (e).

Legislative History of Laws

Law 4-60 was introduced in Council and assigned Bill No. 4-251, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on September 15, 1981, and September 29, 1981, respectively. Signed by the Mayor on October 30, 1981, it was assigned Act No. 4-106 and transmitted to both Houses of Congress for its review.

For Law 18-110, see notes following § 46-401.

§ 46-407. CELEBRATION OF MARRIAGE BY UNAUTHORIZED

PERSONS.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1289; Apr. 29, 2004, D.C. Law 15- 154, § 3(m), 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-107.

1973 Ed., § 30-107.

Legislative History of Laws

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

§ 46-408. CELEBRATION OF MARRIAGE WITHOUT LICENSE.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1290; June 30, 1902, 32 Stat. 543, ch. 1329; June 25, 1936, 49 Stat. 1921, ch. 804; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 5, 1966, 80 Stat. 264, Pub. L. 89-493, § 13(a); July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 29, 2004, D.C. Law 15-154, § 3(n), 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-108.

1973 Ed., § 30-108.

Legislative History of Laws

For Law 15-154, see notes following § 46-407.

§ 46-409. ISSUANCE OF LICENSE--WAITING PERIOD.

A license to marry shall not be issued until 3 days have elapsed from date of application for issuance of said license.

(Aug. 12, 1937, 50 Stat. 626, ch. 596, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-109.

1973 Ed., § 30-109.

§ 46-410. ISSUANCE OF LICENSE--DUTY OF CLERK; FALSE SWEARING BY APPLICANT DEEMED PERJURY.

It shall be the duty of the Clerk of the Superior Court of the District of Columbia before issuing any license to solemnize a marriage to examine any applicant for said license under oath and to ascertain the names and ages of the parties desiring to marry, and if they are under age the names of their parents or guardians, whether they were previously married, whether they are related or not, and if so, in what degree, which facts shall appear on the face of the application, of which the Clerk shall provide a printed form, and any false swearing in regard to such matters shall be deemed perjury.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1291; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 5, 1966, 80 Stat. 264, Pub. L. 89-493, § 13(a); July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 7, 1977, D.C. Law 1-107, title I, § 113(a), 23 DCR 8737.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-110.

1973 Ed., § 30-110.

Legislative History of Laws

Law 1-107 was introduced in Council and assigned Bill No. 1-89, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on amended first readings on July 27, 1976 and September 15, 1976, and second readings on November 22, 1976 and December 7, 1976. Signed by the Mayor on January 4, 1977, it was assigned Act No. 1-193 and transmitted to both Houses of Congress for its review.

§ 46-411. CONSENT OF PARENT OR GUARDIAN.

If any person intending to marry and seeking a license therefor shall be under 18 years of age, and shall not have been previously married, the said Clerk shall not issue such license unless a parent, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the Clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the Clerk.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1292; July 22, 1976, D.C. Law 1-75, § 5(a), 23 DCR 1182; Oct. 1, 1976, D.C. Law 1-87, § 32, 23 DCR 2544.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-111.

1973 Ed., § 30-111.

Legislative History of Laws

For legislative history of D.C. Law 1-75, see Historical and Statutory Notes following § 46-403.

Law 1-87 was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976 and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

§ 46-412. FORM OF LICENSE; RETURN; COUPONS.

Licenses to perform the marriage ceremony shall be addressed to some particular minister, magistrate, or other person authorized by § 46-406 to perform or witness the marriage ceremony and shall be in the following form:

Number

To, authorized to celebrate (or witness) marriages in the District of Columbia, greeting:

You are hereby authorized to celebrate (or witness) the rites of marriage between, of, and, of, and having done so, you are commanded to make return of the same to the Clerk's Office of the Superior Court of the District of Columbia within 10 days under a penalty of \$50 for default therein.

Witness my hand and seal of said Court this day of, anno Domini

..... Clerk.

By Assistant Clerk.

Said return shall be made in person or by mail on a coupon issued with said license and bearing a corresponding number therewith within 10 days from the time of said marriage, and shall be in the following form:

Number

I,, who have been duly authorized to celebrate (or witness) the rites of marriage in the District of Columbia, do hereby certify that, by authority of a license of corresponding number herewith, I solemnized (or witnessed) the marriage of and, named therein, on the day of, at, in said District.

A 2nd coupon, of corresponding number with the license, shall be attached to and issued with said license, to be given to the contracting parties by the minister or other person to whom such license was addressed, and shall be in the following form:

Number

I hereby certify that on this ... day of, at, and were by (or before) me united in marriage in accordance with the license issued by the Clerk of the Superior Court of the District of Columbia.

Name,

Residence

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1293; June 30, 1902, 32 Stat. 543, ch. 1329; Apr. 23, 1904, 33 Stat. 297, ch. 1490, § 2; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 5, 1966, 80 Stat. 264, Pub. L. 89-493, § 13(a); July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-112.

1973 Ed., § 30-112.

§ 46-413. FAILURE TO MAKE RETURN.

Any minister or other person, having solemnized or witnessed the rites of marriage under the authority of a license issued as aforesaid, who shall fail to make return as therein required, shall be liable to a penalty of \$50 upon conviction of said failure upon information in the Superior Court of the District of Columbia.

(Mar. 3, 1901, 31 Stat. 1393, ch. 854, § 1294; Apr. 23, 1904, 33 Stat. 298, ch. 1490, § 3; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-113.

1973 Ed., § 30-113.

§ 46-414. RECORD BOOKS.

The Clerk of the said Court shall provide a record book in his office, consisting of applications and licenses in blank, to be filled up by him with the names and residences of the parties for whose marriage any license may have been issued, said applications and licenses to be numbered consecutively from 1 upward, and also a record book in which shall be recorded, in the order of their numbers, the certificates of the minister or other persons authorized, upon their return to said office, corresponding to said record book of licenses issued, and a copy of any license and certificate of marriage so kept and recorded, certified by the Clerk under his hand and seal, shall be competent evidence of the marriage.

(Mar. 3, 1901, 31 Stat. 1393, ch. 854, § 1295.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-114.

1973 Ed., § 30-114.

§ 46-415. ISSUE OF MARRIAGES OF COLORED PERSONS.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1394, ch. 854, § 1297; Mar. 13, 2004, D.C. Law 15- 105, § 11, 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-115.

1973 Ed., § 30-117.

§ 46-416. PUBLIC INSPECTION AND EXAMINATION OF APPLICATIONS.

All applications for marriage licenses shall be open to inspection as public records, except as limited by § 46-416.01. All such applications upon which licenses have not yet been issued shall be kept together in a separate file readily accessible to public examination.

(Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 1; Apr. 3, 2001, D.C. Law 13-269, § 107(a), 48 DCR 1270.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-116.

1973 Ed., § 30-118.

Effect of Amendments

D.C. Law 13-269 substituted "records, except as limited by § 46-416.01" for "records".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 6(a) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 106(a) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 106(a) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Emergency Act Amendments

For temporary amendment of section, see § 6(a) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 6(a) of the Child Support and Welfare Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 6(a) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 6(a) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 6(a) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 106(a) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 106(a) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 106(a) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 106(a) and (b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 107(a) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

Legislative History of Laws

For D.C. Law 13-269, see notes following § 46-201.

§ 46-416.01. SOCIAL SECURITY NUMBERS TO BE FILED WITH APPLICATION.

(a) Each applicant for a marriage license shall record on the application each social security number assigned to the applicant. If the applicants' social security numbers are not recorded on the face of the license, the agency shall keep on file each applicant's social security number and each applicant shall be so advised.

(b) The social security number shall be disclosed only:

(1) For a purpose directly related to the establishment of paternity, or the establishment, modification, or enforcement of a support order; and

(2) To the applicant, the other spouse, the child of the applicant or spouse, their attorneys of record, the IV-D agency, a District agency that has entered into a cooperative agreement with the IV-D agency, the IV-D agency of another state, or a private entity with which the District has contracted regarding paternity and child support services.

(Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 1a, as added Apr. 3, 2001, D.C. Law 13-269, § 107(b), 48 DCR 1270.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition of section, see § 6(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR).

For temporary (225 day) amendment of section, see § 106(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Emergency Act Amendments

For temporary addition of section, see § 6(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 6(b) of the Child Support and Welfare Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12- 309, March 20, 1998, 45 DCR 1923), § 6(b) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 6(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 6(b) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 106(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 106(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 106(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of section, see § 106(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 107(b) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

Legislative History of Laws

For D.C. Law 13-269, see notes following § 46-201.

§ 46-417. PREMARITAL BLOOD TESTS; STATEMENT REGARDING TEST TO BE FILED WITH APPLICATION.[REPEALED]

(Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 2; Sept. 11, 2008, D.C. Law 17-222, § 3(a), 55 DCR 8295.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-117.

1973 Ed., § 30-119.

Legislative History of Laws

For Law 17-222, see notes following § 46-403.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 46-418. WAIVER OF CERTAIN REQUIREMENTS.

If a judge of the Superior Court of the District of Columbia determines that public policy or the physical condition of either of the persons applying for a marriage license requires the intended marriage to be celebrated without delay, he may waive the provisions of § 46-409, and a license may be issued without regard to such sections.

(Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 3; July 7, 1967, 81 Stat. 122, Pub. L. 90-53, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, § 155(a); Sept. 11, 2008, D.C. Law 17-222, § 3(b), 55 DCR 8295.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-118.

1973 Ed., § 30-120.

Effect of Amendments

D.C. Law 17-222 substituted "§ 46-409" for "§§ 46-409 and 46-417".

Legislative History of Laws

For Law 17-222, see notes following § 46-403.

§ 46-419. FINANCIAL INABILITY TO PAY FOR BLOOD TEST OR REQUIRED STATEMENT.[REPEALED]

(Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 4; Sept. 11, 2008, D.C. Law 17-222, § 3(c), 55 DCR 8295.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-119.

1973 Ed., § 30-121.

Legislative History of Laws

For Law 17-222, see notes following § 46-403.

§ 46-420. CONFIDENTIAL CHARACTER OF BLOOD TEST INFORMATION.

Any information obtained from any laboratory blood test required under § 46-417 shall be regarded as confidential by each person, agency, or committee who obtains, transmits, or receives such information.

(Oct. 15, 1966, 80 Stat. 960, Pub. L. 89-682, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-120.

1973 Ed., § 30-122.

§ 46-421. VIOLATIONS; PROSECUTIONS.

Whoever: (1) knowingly divulges, other than in accordance with the provisions of §§ 46-416 to 46-421, any information, derived from the laboratory blood test required by § 46-417, relating to any person who has,

or suspected to have, syphilis; (2) knowingly misrepresents any fact called for by the statement required by such section, or knowingly falsifies any material fact in connection with the laboratory blood test required by such section; (3) knowingly issues a marriage license without having received the statement required under such section or an order of the Superior Court of the District of Columbia issued under § 46-418; or (4) otherwise fails to comply with any other provision of §§ 46-416 to 46-421; shall be imprisoned for not more than 6 months, or fined not more than \$250, or both. Prosecutions for violations of this section shall be conducted by the Attorney General for the District of Columbia for the District of Columbia.

(Oct. 15, 1966, 80 Stat. 960, Pub. L. 89-682, § 6; July 7, 1967, 81 Stat. 122, Pub. L. 90-53, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, § 155(a); Apr. 13, 2005, D.C. Law 15-354, § 72, 52 DCR 2638; Sept. 26, 2012, D.C. Law 19-169, § 32, 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 30-121.

1973 Ed., § 30-123.

Effect of Amendments

D.C. Law 15-354 substituted "Attorney General for the District of Columbia" for "Corporation Counsel".

D.C. Law 19-169 substituted "relating to any person who has, or suspected to have, syphilis" for "relating to any person suffering, or suspected to be suffering from, syphilis".

Legislative History of Laws

For Law 15-354, see notes following § 46-226.03.

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.