

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-13**

Each judge of the United States Court of Appeals for the Third Circuit, each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, retired judge of the Superior Court or Tax Court, or judge of the Superior Court or Tax Court, the former County Court, the former County Juvenile and Domestic Relations Court, or the former County District Court who has resigned in good standing, surrogate of any county, county clerk and any mayor or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriages or civil unions between such persons as may lawfully enter into the matrimonial relation or civil union; and every religious society, institution or organization in this State may join together in marriage or civil union such persons according to the rules and customs of the society, institution or organization.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-1**

a. A man shall not marry or enter into a civil union with any of his ancestors or descendants, or his sister or brother, or the daughter or son of his brother or sister, or the sister or brother of his father or mother, whether such collateral kindred be of the whole or half blood. b. A woman shall not marry or enter into a civil union with any of her ancestors or descendants, or her sister or brother, or the daughter or son of her brother or sister, or the sister or brother of her father or mother, whether such collateral kindred be of the whole or half blood. c. A marriage or civil union in violation of any of the foregoing provisions shall be absolutely void.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-2**

Before a marriage or a civil union can be lawfully performed in this State, the persons intending to be married or to enter into a civil union shall obtain a marriage or civil union license from the licensing officer and deliver it to the person who is to officiate. In the case of persons intending to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one of the persons intending to be married or to enter into a civil union and the attorney-in-fact for the other person shall obtain a marriage or civil union license and deliver it to the person who is to officiate. If the marriage or civil union is to be performed by or before any religious society, institution or organization, the license shall be delivered to such religious society, institution or organization, or any officer thereof. As used in this chapter, "licensing officer" means, as to cities of the first class, the city clerk; as to other municipalities, the State registrar; or the deputy of any said official designated by him to issue licenses during his absence.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-3**

The marriage or civil union license shall be issued by the licensing officer in the municipality in which either party resides or, if neither party is a resident of the State, in the municipality in which the proposed marriage or civil union is to be performed.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-4**

Except as provided in R.S.37:1-6, 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.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 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 there be any, first certify under their hands and seals, in the presence of two reputable witnesses, their consent thereto, which consent shall be delivered to the licensing officer issuing the license. If the parents, or either of them, or guardian of any such minor shall be of unsound mind, the consent of such parent or guardian to the proposed marriage or civil union 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 any judge of the Superior Court, Chancery Division, Family Part. Said approval shall be filed with the licensing officer. The licensing officer shall transmit to the State registrar all such consents, orders, and approvals so received by him in the same manner and subject to the same penalty as in the case of certificates of marriage or civil union and marriage or civil union licenses.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-7**

The licensing officer is hereby empowered to issue marriage or civil union licenses to the contracting parties who, either personally or through an attorney-in-fact pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), apply therefor and are entitled under the laws of this State to contract matrimony or establish a civil union, authorizing the marriage or civil union of such parties, which license shall be substantially in the following form: "State of New Jersey. County of city, town or township of This is to certify that any person, religious society, institution or organization authorized by law to perform marriage or civil union ceremonies within the State of New Jersey to whom this may come, he or they not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony or the civil union between A B of , in the county of and State of and C D of , in the county of and State of , and to certify the same to be the said parties, or either of them, under his hand and seal in his ministerial or official capacity. In testimony whereof, I have hereunto set my hand and affixed the seal of said town, township or city at this day of two thousand and , (Name and official title)" If the contracting parties desire both a civil and a religious marriage or civil union ceremony, the licensing officer shall issue a license in duplicate, marking one as "issued for civil marriage or civil union ceremony" and one as "issued for religious marriage or civil union ceremony." Nothing in this section shall be construed to prevent the remarriage of a couple already married to each other or to prevent a couple who has entered into a civil union to reaffirm their commitment to one another; provided, a new license is obtained and the marriage or civil union properly reported. Such license shall be plainly marked "Issued for remarriage--originally married to same mate at (state place) on (state date) or Issued for reaffirmation of a civil union--originally entered into a civil union to same mate at (state place) on (state date)." Such a license shall be issued without compliance with the provisions of R.S.37:1-4 and if applicable of the provisions of "An act concerning marriages" approved May third, one thousand nine hundred and thirty-eight (P.L.1938, c.126).

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-8**

A licensing officer shall, before issuing a marriage or civil union license, require the contracting parties or, in the case of persons who intend to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one of the contracting parties and the attorney-in-fact for the other party, to appear before him and subscribe and swear to an oath attesting the truth of the facts respecting the legality of the proposed marriage or civil union as set forth in the form supplied by the State registrar. Said testimony shall be verified by a witness of legal age. A licensing officer shall issue a license only if it is thus made to appear before him that no legal impediment to the marriage or civil union exists. Every licensing officer may administer oaths to the contracting parties or, in the case of persons who intend to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), to one of the contracting parties and to the attorney-in-fact for the other contracting party and their identifying witness. Any identifying witness, applicant applying for a marriage or civil union license or attorney-in-fact who shall knowingly make false answers to any of the inquiries asked by the licensing officer shall be guilty of perjury.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-9**

No marriage license shall be issued when, at the time of making an application therefor, either applicant is infected with a venereal disease in a communicable stage, or is a person currently adjudicated mentally incompetent.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-10**

Nothing in this chapter shall be deemed or taken to render any common law or other marriage, otherwise lawful, contracted before December first, nineteen hundred and thirty-nine, invalid by reason of the failure to take out a license as herein provided. But no marriage contracted on and after December first, nineteen hundred and thirty-nine, shall be valid unless the contracting parties shall have obtained a marriage license as required by section 37:1-2 of this Title, and unless, also, the marriage, after license duly issued therefor, shall have been performed by or before any person, religious society, institution or organization authorized by section 37:1-13 of this Title to solemnize marriages; and failure in any case to comply with both prerequisites aforesaid, which shall always be construed as mandatory and not merely directory, shall render the purported marriage absolutely void.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-11**

Any licensing officer who issues a marriage or civil union license except as provided in this chapter shall be guilty of a disorderly person's offense.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-12**

For issuing a marriage or civil union license, the licensing officer shall be entitled to receive from the applicants the sum of three dollars (\$3.00).

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-12.1**

1. In addition to the fee for issuing a marriage or civil union license authorized pursuant to R.S.37:1-12, each licensing officer shall collect a fee of \$25 from the marriage license or civil union license applicants which shall be forwarded on a quarterly basis to the Department of Human Services.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-12.2**

2. The Department of Human Services shall establish a trust fund for the deposit of the fees received pursuant to section 1 of P.L.1981, c.382 (C.37:1-12.1). The moneys from the trust fund shall be used for the specific purpose of establishing and maintaining shelters for the victims of domestic violence, or a. for providing grants-in-aid to such shelters established by local governments or private nonprofit organizations; or b. for providing grants-in-aid to non-residential agencies whose primary purpose is to serve victims of domestic violence in those counties which do not have emergency residential shelters for victims; or c. for providing grants-in-aid to any nonprofit, Statewide coalition whose membership includes a majority of the programs for battered women in New Jersey and whose board membership includes a majority of representatives of these programs and whose purpose is to provide services, community education, and technical assistance to these programs to establish and maintain shelter and related services for victims of domestic violence and their children.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-12.3**

The Commissioner of the Department of Human Services shall adopt and promulgate such rules and regulations as are necessary to implement this act.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-13.1**

All marriages heretofore solemnized by any municipal magistrate or magistrate of the municipal court who was not at the time of such solemnization authorized to solemnize marriages shall, if otherwise valid, be as valid as if same had been solemnized by a person authorized to solemnize marriages.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-13.2**

All marriages heretofore solemnized by any judge of a court of record in this State, who was not at the time of such solemnization authorized to solemnize marriages, if otherwise valid, shall be as valid as if the same had been solemnized by a person authorized to solemnize marriages.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-14**

All marriages performed prior to March twenty-seventh, one thousand nine hundred and twelve, by a minister of any religion other than a stated or ordained minister of the gospel, if otherwise valid, shall be as valid as if the same had been performed by a stated and ordained minister of the gospel.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-15**

Any person, not authorized by R.S.37:1-13 to solemnize marriages or civil unions, who solemnizes a marriage or civil union or any person or religious society, institution or organization, authorized to solemnize marriages or civil unions, who solemnizes a marriage or civil union without the presentation of a license therefor, obtained in accordance with the provisions of article two of this chapter (R.S.37:1-2 et seq.), shall be guilty of a disorderly persons offense, and punished by a fine not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding six months, or both.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-16**

Any person authorized to solemnize marriages or civil unions may administer oaths to the parties applying to be married or to enter into a civil union or, in the case of persons applying to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), to one of the contracting parties and to the attorney-in-fact for the other contracting party, and may require them, or

either of them, to make true answers to any inquiries made by him in order to ascertain whether, in his judgment, any legal impediment to the proposed marriage or civil union exists. Any person who willfully makes false answers to any such inquiries shall, if the answers are reduced to writing, signed by the person making the same and attached to the certificate of marriage or civil union, be deemed guilty of perjury pursuant to N.J.S.2C:28-1.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-17**

On the marriage or civil union license shall be the form for the certificate of marriage or civil union in quadruplicate, to which the licensing officer shall have set forth particularly therein the name, age, parentage, birthplace, residence, Social Security number and domestic status of each party, whether single, widowed, divorced, or a former civil union or domestic partner and the names and county of birth of their parents. The Social Security number shall be kept confidential and may only be released for child support enforcement purposes, and shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom or the religious society, institution, or organization by or before which, the marriage or civil union was solemnized, shall personally or by legally authorized agent subscribe where indicated on the form the date and place of the marriage or civil union. Each certificate of marriage or civil union shall also contain the signature and residence of at least two witnesses who were present at the marriage or civil union ceremony.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-17.1**

The license and the original certificate shall be transmitted pursuant to R.S.26:8-41. One copy of the certificate shall be retained by the local registrar and one copy shall be given to the persons contracting the marriage or civil union. In the case of persons who have married or entered into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one copy of the certificate shall be retained by the local registrar and one copy shall be given to one of the contracting persons and to the attorney-in-fact for the other contracting person. The remaining copy shall be retained by the person solemnizing the marriage or civil union.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-17.2**

Any marriage or civil union which has occurred or which may hereafter occur and which is not recorded with the State registrar as required by this chapter, may be recorded by filing a delayed report with the State registrar, documented by a copy of the application for the license. The delayed report shall contain an affidavit of the person performing the marriage or civil union or if he is deceased or not available, of one or both witnesses to the marriage or civil union ceremony confirming that the ceremony was performed and the date and place of the marriage or civil union. When it is impossible to secure the affidavit of the officiant or either of the witnesses, the affidavit may be made by a person who was present at the marriage or civil union ceremony, or the contracting parties, provided additional documentary evidence is presented. The State registrar may require evidence of the correctness of the information in a delayed report and may refuse to accept a delayed report if the evidence is not submitted.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-17.3**

A member of the Armed Forces of the United States or the National Guard who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of his

marriage or civil union may enter into that marriage or civil union by the appearance of an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney. The attorney-in-fact must personally appear before the licensing officer with the person who is not serving overseas, and present the original power of attorney duly signed by the party stationed overseas and acknowledged by a notary or witnessed by two officers of the United States Armed Forces or the National Guard. The power of attorney shall state the legal names of the parties to be married or enter into a civil union, and shall state that the power of attorney is solely for the purpose of authorizing the attorney-in-fact to obtain a marriage or civil union license on the person's behalf and to participate in the solemnization of the marriage or civil union. The original power of attorney shall be a part of the marriage or civil union certificate upon registration.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-18**

Any person, religious society, institution or organization authorized to solemnize marriages or civil unions, who makes any false certificate of marriage or civil union, shall be liable to a penalty of \$100.00.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-19**

Any penalty incurred under any of the provisions of this article may be recovered with costs, in an action at law by and in the name of the local board of health of the municipality where the marriage or civil union occurred, or by and in the name of the Department of Health and Senior Services.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-27**

Tests; information; distribution by issuer of marriage or civil union licenses. A licensing officer or other person issuing marriage or civil union licenses shall make information available to applicants concerning places where such applicants may be tested for genetic diseases including, but not limited to Cooley's Anemia, Sickle Cell Anemia, and Tay-Sachs Disease. Literature containing such information which has been prepared and provided by private organizations may be distributed to applicants by a licensing officer or other person issuing marriage or civil union licenses.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-30**

Any deed of conveyance or mortgage executed and acknowledged by an adult married person in conjunction with his or her minor spouse, if 17 years of age or older, conveying or mortgaging his or her, or their real estate, shall be valid and effectual notwithstanding the minority of such minor spouse at the time of such execution and acknowledgment, and any such deed or mortgage made shall be valid as if such minor spouse had at the time been of lawful age, and such minor spouse shall be liable on a bond or other obligation executed in connection with any such mortgage to the same extent as if such minor at the time of execution had been of full age, and any such bond or other obligation executed by any minor spouse shall be valid to the same extent.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-28**

1.The Legislature finds and declares that: a.Same-sex couples in New Jersey live together in committed relationships without the benefits and rights afforded to heterosexual couples who choose to marry; b.Promoting such stable and durable relationships as well as eliminating obstacles and hardships these couples may face is necessary and proper and reaffirms this State's obligation to insure equality for all the citizens of New Jersey; c.New Jersey was one of the first states to adopt comprehensive legislation

prohibiting discrimination based on affectional or sexual orientation and one of the first states to formally recognize domestic partnerships by enacting the "Domestic Partnership Act," P.L.2003, c.246 (C.26:8A-1 et al.) on January 12, 2004 thereby guaranteeing in law certain rights and benefits to those individuals who enter into domestic partnerships; d.Those rights and benefits afforded to same-sex couples under the "Domestic Partnership Act" should be expanded by the legal recognition of civil unions between same-sex couples in order to provide these couples with all the rights and benefits that married heterosexual couples enjoy; e.It is the intent of the Legislature to comply with the constitutional mandate set forth by the New Jersey Supreme Court in the recent landmark decision of Lewis v. Harris, 188 N.J. 415 (October 25, 2006) wherein the Court held that the equal protection guarantee of Article I, paragraph 1 of the State Constitution was violated by denying rights and benefits to committed same-sex couples which were statutorily given to their heterosexual counterparts. The Court stated that the "State can fulfill that constitutional requirement in one of two ways. It can either amend the marriage statutes to include same-sex couples or enact a parallel statutory structure by another name, in which same-sex couples would not only enjoy the rights and benefits, but also bear the burdens and obligations of civil marriage." Id. at 463. f.The Legislature has chosen to establish civil unions by amending the current marriage statute to include same-sex couples. In doing so, the Legislature is continuing its longstanding history of insuring equality under the laws for all New Jersey citizens by providing same-sex couples with the same rights and benefits as heterosexual couples who choose to marry.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-29**

As used in this act: "Civil union couple" means two persons who have established a civil union pursuant to this act. "Civil union license or civil union certificate" means a document that certifies that the persons named on the license or certificate have established a civil union in this State in compliance with this act. "Civil union" means the legally recognized union of two eligible individuals of the same sex established pursuant to this act. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage. "Commissioner" means the Commissioner of Health and Senior Services. "One partner in a civil union couple" means a person who has established a civil union pursuant to the provisions of this act.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-30**

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.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-31**

4. a. Civil union couples shall have all of the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage. b.The dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage. c.The laws of domestic relations, including annulment, premarital agreements, separation, divorce, child custody and support, property division and maintenance, and post-relationship spousal support, shall apply to civil union couples. d.Civil union couples may modify the terms, conditions or effects of their civil union in the same manner and to the same extent as

married persons who execute an antenuptial agreement or other agreement recognized and enforceable under the law, setting forth particular understandings with respect to their union. e.The rights of civil union couples with respect to a child of whom either becomes the parent during the term of the civil union, shall be the same as those of a married couple with respect to a child of whom either spouse or partner in a civil union couple becomes the parent during the marriage. f.All contracts made between persons in contemplation of a civil union shall remain in full force after such civil union takes place. g.A copy of the record of the civil union received from the local or State registrar shall be presumptive evidence of the civil union in all courts.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-32**

5.The following list of legal benefits, protections and responsibilities of spouses shall apply in like manner to civil union couples, but shall not be construed to be an exclusive list of such benefits, protections and responsibilities: a.laws relating to title, tenure, descent and distribution, intestate succession, survivorship, or other incidents of the acquisition, ownership or transfer, inter vivos or at death, of real or personal property, including but not limited to eligibility to hold real and personal property as tenants by the entirety; b.causes of action related to or dependent upon spousal status, including an action for wrongful death, emotional distress, loss of consortium, or other torts or actions under contracts reciting, related to, or dependent upon spousal status; c.probate law and procedure, including nonprobate transfer; d.adoption law and procedures; e.laws relating to insurance, health and pension benefits; f.domestic violence protections pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and domestic violence programs; g.prohibitions against discrimination based upon marital status; h.victim's compensation benefits, including but not limited to compensation to spouse, children and relatives of homicide victims; i.workers' compensation benefits pursuant to chapter 15 of Title 34 of the Revised Statutes, including but not limited to survivors' benefits and payment of back wages; j.laws relating to emergency and nonemergency medical care and treatment, hospital visitation and notification, and any rights guaranteed to a hospital patient pursuant to P.L.1989, c.170 (C.26:2H-12.7 et seq.) or a nursing home resident pursuant to P.L.1976, c.120 (C.30:13-1 et seq.); k.advance directives for health care and designation as a health care representative pursuant to P.L.1991, c.201 (C.26:2H-53 et al.); l.family leave benefits pursuant to P.L.1989, c.261 (C.34:11B-1 et seq.); m.public assistance benefits under State law, including, but not limited to: Work First New Jersey benefits pursuant to P.L.1997, c.38 (C.44:10-55 et seq.); medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.); Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85 et seq.); pharmaceutical assistance pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) and P.L.2001, c.96 (C.30:4D-43 et seq.); hearing aid assistance pursuant to P.L.1987, c.298 (C.30:4D-36 et seq.); and utility benefits pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.) and P.L.1981, c.210 (C.48:2-29.30 et al.); n.laws relating to taxes imposed by the State or a municipality including but not limited to homestead rebate tax allowances, tax deductions based on marital status or exemptions from realty transfer tax based on marital status; o.laws relating to immunity from compelled testimony and the marital communication privilege; p.the home ownership rights of a surviving spouse; q.the right of a spouse to a surname change without petitioning the court; r.laws relating to the making of, revoking and objecting to anatomical gifts pursuant to P.L.1969, c.161 (C.26:6-57 et seq.); s.State pay for military service; t.application for absentee ballots; u.legal requirements for assignment of wages; and v.laws related to tuition assistance for higher education for surviving spouses or children.

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92. Whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to "marriage," "husband," "wife," "spouse," "family," "immediate family," "dependent," "next of kin," "widow," "widower," "widowed" or another word which in a specific context denotes a marital or spousal relationship, the same shall include a civil union pursuant to the provisions of this act.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-34**

95. A civil union relationship entered into outside of this State, which is valid under the laws of the jurisdiction under which the civil union relationship was created, shall be valid in this State.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-35**

93. The Commissioner of Health and Senior Services in consultation with the Director of the Administrative Office of the Courts, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act. These rules and regulations shall address the issue of how partners in a civil union couple may legally answer questions on forms, governmental and private, concerning their status as partners in a civil union couple.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:1-36**

94. a. There is hereby established the New Jersey Civil Union Review Commission commencing on the effective date of P.L.2006, c.103 (C.37:1-28 et al.). b. The commission shall be composed of 13 members to be appointed as follows: the Attorney General or his designee, the Commissioner of the Department of Banking and Insurance or his designee, the Commissioner of Health and Senior Services or his designee, the Commissioner of Human Services or his designee, the Commissioner of the Department of Children and Families or his designee, the Director of the Division of Civil Rights in the Department of Law and Public Safety or his designee, one public member appointed by the President of the Senate, one public member appointed by the Speaker of the General Assembly, and five public members appointed by the Governor, with the advice and consent of the Senate, no more than three who shall be of the same political party. c. It shall be the duty of the commission to study all aspects of P.L.2006, c.103 (C.37:1-28 et al.) which authorizes civil unions including, but not limited to: (1) evaluate the implementation, operation and effectiveness of the act; (2) collect information about the act's effectiveness from members of the public, State agencies and private and public sector businesses and organizations; (3) determine whether additional protections are needed; (4) collect information about the recognition and treatment of civil unions by other states and jurisdictions including the procedures for dissolution; (5) evaluate the effect on same-sex couples, their children and other family members of being provided civil unions rather than marriage; (6) evaluate the financial impact on the State of New Jersey of same-sex couples being provided civil unions rather than marriage; and (7) review the "Domestic Partnership Act," P.L.2003, c.246 (C.26:8A-1 et al.) and make recommendations whether this act should be repealed. d. The commission shall organize as soon as possible after the appointment of its members. The commission shall be established for a term of three years and the members shall be appointed for the full term of three years. Vacancies in the membership of the commission shall be filled in the same manner as the original appointment. The commission members shall choose a Chair from among its members. e. The members of the commission shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the commission for its purposes. f. The commission is

entitled to the assistance and service of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to employ stenographic and clerical assistance and to incur traveling or other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes. g.The commission shall report semi-annually its findings and recommendations to the Legislature and the Governor. h.The commission shall expire three years from the date of its initial organizational meeting and upon submission of its final report.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-31**

This article shall be known and may be cited as the "Uniform Premarital and Pre-Civil Union Agreement Act." Source: New.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-32**

As used in this article: a."Premarital or pre-civil union agreement" means an agreement between prospective spouses or partners in a civil union couple made in contemplation of marriage or a civil union and to be effective upon marriage or upon the parties establishing a civil union; b."Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings; c."Unconscionable premarital or pre-civil union agreement" means an agreement, either due to a lack of property or unemployability: (1)Which would render a spouse or partner in a civil union couple without a means of reasonable support; (2)Which would make a spouse or partner in a civil union couple a public charge; or (3)Which would provide a standard of living far below that which was enjoyed before the marriage or civil union.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-33**

A premarital or pre-civil union agreement shall be in writing, with a statement of assets annexed thereto, signed by both parties, and it is enforceable without consideration.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-34**

Contents of premarital or pre-civil union agreement. Parties to a premarital or pre-civil union agreement may contract with respect to: a.The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located; b.The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property; c.The disposition of property upon separation, marital dissolution, dissolution of a civil union, death, or the occurrence or nonoccurrence of any other event; d.The modification or elimination of spousal or one partner in a civil union couple support; e.The making of a will, trust, or other arrangement to carry out the provisions of the agreement; f.The ownership rights in and disposition of the death benefit from a life insurance policy; g.The choice of law governing the construction of the agreement; and h.Any other matter, including their personal rights and obligations, not in violation of public policy.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-35**

A premarital or pre-civil union agreement shall not adversely affect the right of a child to support.

#### **New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-36**

A premarital or pre-civil union agreement becomes effective upon marriage of the parties or upon the parties establishing a civil union.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-37**

After marriage of the parties or the parties establishing a civil union, a premarital or pre-civil union agreement may be amended or revoked only by a written agreement signed by the parties, and the amended agreement or revocation is enforceable without consideration.

**New Jersey Permanent Statutes ? Title 37: Marriages and Married Persons § 37:2-38**

The burden of proof to set aside a premarital or pre-civil union agreement shall be upon the party alleging the agreement to be unenforceable. A premarital or pre-civil union agreement shall not be enforceable if the party seeking to set aside the agreement proves, by clear and convincing evidence, that: a.The party executed the agreement involuntarily; or b.The agreement was unconscionable at the time enforcement was sought; or c.That party, before execution of the agreement: (1)Was not provided full and fair disclosure of the earnings, property and financial obligations of the other party; (2)Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; (3)Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party; or (4)Did not consult with independent legal counsel and did not voluntarily and expressly waive, in writing, the opportunity to consult with independent legal counsel. d.The issue of unconscionability of a premarital or pre-civil union agreement shall be determined by the court as a matter of law.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-39**

If a marriage or civil union is determined to be void, an agreement that would otherwise have been a premarital or pre-civil union agreement is enforceable only to the extent necessary to avoid an inequitable result.

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-40**

a.This article shall be construed to effectuate its general purpose to make uniform the law with respect to the subject of the article among states enacting the "Uniform Premarital Agreement Act." b.This article shall be construed to apply to pre-civil union agreements executed on and after the effective date of P.L.2006, c.103 (C.37:1-28 et al.).

**New Jersey Permanent Statutes - Title 37: Marriages and Married Persons § 37:2-41**

This article shall apply to premarital agreements executed on and after its effective date. This article as amended by P.L.2006, c.103 (C.37:1-28 et al.) shall apply to pre-civil union agreements executed on and after the effective date of P.L.2006, c.103 (C.37:1-28 et al.).