

Assembly Bill No. 2128

CHAPTER 130

An act to amend Section 420 of the Family Code, relating to marriage.

[Approved by Governor August 17, 2016. Filed with
Secretary of State August 17, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, Achadjian. Marriage.

Existing law allows a member of the Armed Forces of the United States who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of the marriage to enter into that marriage by the appearance of an attorney in fact, commissioned and empowered in writing for that purpose through a power of attorney duly signed by the party stationed overseas and acknowledged before a notary or witnessed by 2 officers of the United States Armed Forces.

This bill would provide that the completion of the power of attorney is the sole determinant as to whether the county clerk's office or State Registrar will accept the power of attorney.

The people of the State of California do enact as follows:

SECTION 1. Section 420 of the Family Code is amended to read:

420. (a) No particular form for the ceremony of marriage is required for solemnization of the marriage, but the parties shall declare, in the physical presence of the person solemnizing the marriage and necessary witnesses, that they take each other as spouses.

(b) Notwithstanding subdivision (a), a member of the Armed Forces of the United States who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of the marriage may enter into that marriage 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 shall personally appear at the county clerk's office with the party who is not stationed overseas and present the original power of attorney duly signed by the party stationed overseas and acknowledged before a notary or witnessed by two officers of the United States Armed Forces. Copies in any form, including by facsimile, are not acceptable. The power of attorney shall state the full given names at birth, or by court order, of the parties to be married, and that the power of attorney is solely for the purpose of authorizing the attorney in fact to obtain a marriage license on the person's behalf and participate in the solemnization of the marriage. The original power of attorney shall be a part of the marriage

certificate upon registration. The completion of a power of attorney shall be the sole determinant as to whether the county clerk's office and the State Registrar will accept the power of attorney.

(c) A contract of marriage, if otherwise duly made, shall not be invalidated for want of conformity to the requirements of any religious sect.