

### **3.23 Marriage**

**Effective 1/1/88**

Title 19 MRSA §62 requires that a male or female under age 18 have the written consent of his parents, guardians, or persons to whom a court has given custody of such minor in order to be issued a marriage license.

#### **PROCEDURES**

When an adolescent in the Department's custody wants consent for marriage, the caseworker will first discuss the marriage plans with the adolescent, the prospective spouse, the parents of the latter, if appropriate, the parents of the adolescent in custody and the foster parents in order to determine the appropriateness of the marriage plans for this adolescent and the support the marriage may have from sources close to the adolescent and the prospective spouse.

If the marriage plan is not appropriate and the consent of the Commissioner is not to be recommended, the reasons will be explained to the adolescent and prospective spouse, and services will be offered to help them develop a more appropriate plan or alternatives.

If the consent of the Commissioner is to be recommended, the caseworker will prepare a summary which includes:

1. The full name, town of residence, and date of birth of the bride
2. The full name, town of residence, and date of birth of the groom
3. Description of the situation
4. Summary of the discussions with the prospective spouse, the parents and foster parents
5. The reasons consent is recommended.

This summary is prepared for the signatures of the caseworker supervisor and the Regional Program Manager or designee. Once signed it is sent to the Manager, Substitute Care Program.

Form VS-26, Notice of Parental Consent to Marriage is prepared for the Commissioner's signature in Central Office. The summary and Form VS-26 is reviewed by the Division and Bureau Director and forwarded for the Commissioner's signature. Once the consent is given, the summary and notarized VS-26 is returned to the Bureau of Social Services. The originals of each are returned to the regional office; copies are retained for the child's record in Central Office.

The original Form VS-26 is given to the adolescent in order to obtain the marriage license and to give along with the license to the official performing the ceremony.

Marriage does not automatically emancipate a minor or dismiss the Department's custody. Following the marriage the caseworker will initiate a motion of judicial review with a request for emancipation.