



OFFICE OF THE GENERAL COUNSEL

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I, Benjamin F. Bryant, Jr., Codification Counsel and Associate General Counsel for the Council of the District of Columbia, hereby certify that the data found on the Council's website at <https://code.dccouncil.us/> represents the actual law of the District of Columbia, including, in particular, Title 46 on Domestic Relations, and Chapter 9 of Title 16 on divorce, annulment, separation, support, etc. as found on the following:

<https://code.dccouncil.us/dc/council/code/titles/46/>

<https://code.dccouncil.us/dc/council/code/titles/16/chapters/9/>

A handwritten signature in black ink, appearing to read "B. F. Bryant, Jr.", written over the printed name.

Benjamin F. Bryant, Jr.
Codification Counsel and Associate General Counsel
Council of the District of Columbia
March 16, 2018

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A handwritten signature in black ink, appearing to read "Jonathan A. Hipe", written over the printed name.

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Code of the District of Columbia

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- ↪ [D.C. Law Library](#)
- ↪ [Code of the District of Columbia](#)
- ↪ [Title 46. Domestic Relations.](#)
- ↪ [Chapter 5. Premarital Agreements.](#)
- ↪ [§ 46-505. Amendment; revocation.](#)

Previous

[§ 46-504. Effect of marriage or domestic partnership.](#)

Next

[§ 46-506. Enforcement.](#)

Publication Information

Current through Mar. 30, 2018

Last codified D.C. Law:

Law 22-69 effective Mar. 30, 2018

Last codified Emergency Law:

Act 21-354 effective Mar. 23, 2016

Last codified Federal Law:

Public Law approved May 5, 2017

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§ 46-505. Amendment; revocation.

After marriage or the registration of a domestic partnership under § 32-702, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

(Feb. 9, 1996, D.C. Law 11-82, § 6, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(d), 53 DCR 1035.)

Prior Codifications

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Effect of Amendments

D.C. Law 16-79 substituted "After marriage or the registration of a domestic partnership under § 32-702," for "After marriage,".

Editor's Notes

Uniform Law: This section is based upon § 5 of the Uniform Premarital Agreement Act.

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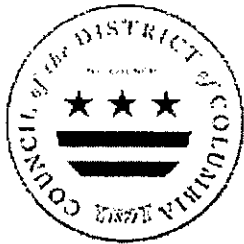
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- ↪ [D.C. Law Library](#)
- ↪ [Code of the District of Columbia](#)
- ↪ [Title 46. Domestic Relations.](#)
- ↪ Chapter 4. Marriage.

Previous

[Chapter 3A. Uniform Interstate Family Support.](#)

Next

[Chapter 5. Premarital Agreements.](#)

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Chapter 4. Marriage.

[§ 46-401. Equal access to marriage.](#) [§ 46-401.01. Marriages void ab initio — In general.](#) [§ 46-402. Marriages void ab initio — Judicial decree.](#) [§ 46-403. Marriages void from date of decree; age of consent.](#) [§ 46-404. Persons allowed to institute annulment proceedings.](#) [§ 46-405. Illegal marriages entered into in another jurisdiction.](#) [§ 46-405.01. Recognition of marriages from other jurisdictions.](#) [§ 46-406. Persons authorized to celebrate marriages.](#) [§ 46-407. Celebration of marriage by unauthorized persons.](#) [\[Repealed\] § 46-408. Celebration of marriage without license.](#) [\[Repealed\] § 46-409. Issuance of license — Waiting period.](#) [\[Repealed\] § 46-410. Issuance of license — Duty of Clerk; false swearing by applicant deemed perjury.](#) [§ 46-411. Consent of parent or guardian.](#) [§ 46-412. Form of license; return; coupons.](#) [§ 46-413. Failure to make return.](#) [§ 46-414. Record books.](#) [§ 46-415. Issue of marriages of colored persons.](#) [\[Repealed\] § 46-416. Public inspection and examination of applications.](#) [§ 46-416.01. Social](#)

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[Repealed] § 46-418. Waiver of certain requirements. [Repealed] § 46-419. Financial inability to pay for blood test or required statement [Repealed] § 46-420. Confidential character of blood test information. § 46-421. Violations; prosecutions.

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

Section References

This section is referenced in § 32-702.

§ 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.)

Prior Codifications

2001 Ed., § 46-401.

1981 Ed., § 30-101.

1973 Ed., § 30-101.

Section References

This section is referenced in § 16-903, § 46-401, and § 46-405.01.

Effect of Amendments

D.C. Law 18-9 repealed pars. (1) and (2); and added par. (2A).

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Proceedings to annul marriage, see §§ 16-903, 16-904.

Editor's Notes

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

§ 46-402. Marriages void ab initio — 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.)

Prior Codifications

1981 Ed., § 30-102.

1973 Ed., § 30-102.

Cross References

Proceedings to annul marriage, see §§ 16-903, 16-904.

§ 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.)

Prior Codifications

1981 Ed., § 30-103.

1973 Ed., § 30-103.

Section References

This section is referenced in § 16-903 and § 46-401.

Effect of Amendments

D.C. Law 17-222 rewrote par. (1) and repealed par. (3).

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Proceedings to annul marriage, see §§ 16-903, 16-904.

§ 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.)

Prior Codifications

1981 Ed., § 30-104.

1973 Ed., § 30-104.

Effect of Amendments

The 2012 amendment by D.C. Law 19-169 substituted “a person with mental illness” for “an idiot or lunatic” in the first sentence.

Cross References

Proceedings to annul marriage, see §§ 16-903, 16-904.

Editor's Notes

Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

§ 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.)

Prior Codifications

1981 Ed., § 30-105.

1973 Ed., § 30-105.

Section References

This section is referenced in § 46-405.01.

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§ 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

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.)

Effect of Amendments

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

§ 46–406. Persons authorized to celebrate marriages.

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

- (1) “Civil celebrant” means a person of a secular or non-religious organization who performs marriage ceremonies.
 - (2) “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.
 - (3) “Society” means a voluntary association of individuals for religious purposes.
 - (4) “Temporary officiant” means a person authorized by the Clerk of the Superior Court of the District of Columbia (“Court”) to solemnize a specific marriage. The person’s authority to solemnize that marriage shall expire upon the filing of the marriage license, pursuant to § 46-412.
- (b) For the purpose of preserving the evidence of marriages in the District of Columbia, a marriage authorized under this chapter may be solemnized by the following persons at least 18 years of age at the time of the marriage:
- (1) A judge or retired judge of any court of record;
 - (2) The Clerk of the Court or such deputy clerks of the Court as may, in writing, be designated by the Clerk and approved by the Chief Judge of the Court;
 - (3) A minister, priest, rabbi, or authorized person of any religious denomination or society;
 - (4) For any religious society which does not by its own custom require the intervention of a minister for the celebration of marriages, a marriage may be solemnized in the manner prescribed and practiced in that religious society, with the license issued to, and returns to be made by, a person appointed by the religious society for that purpose;
 - (5) A civil celebrant;
 - (6) A temporary officiant;
 - (7) Members of the Council;
 - (8) The Mayor of the District of Columbia; or
 - (9) The parties to the marriage.

(b-1) All persons authorized by subsection (b) of this section to solemnize marriages shall comply with the requirements of § 46-412.

(b-2) The Court shall charge a reasonable registration fee for authorization to solemnize marriages; provided, that the registration fee for a temporary officiant shall not exceed \$25.

(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.

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(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; Nov. 5, 2013, D.C. Law 20-36, § 2, 60 DCR 12143.)

Prior Codifications

1981 Ed., § 30-106.

1973 Ed., § 30-106.

Section References

This section is referenced in § 46-412.

Effect of Amendments

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

The 2013 amendment by D.C. Law 20-36 rewrote (a) and (b); and added (b-1) and (b-2).

§ 46-407. Celebration of marriage by unauthorized persons. [Repealed]

Repealed.

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

Prior Codifications

1981 Ed., § 30-107.

1973 Ed., § 30-107.

§ 46-408. Celebration of marriage without license. [Repealed]

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,

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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.)

Prior Codifications

1981 Ed., § 30-108.

1973 Ed., § 30-108.

§ 46-409. Issuance of license — Waiting period. [Repealed]

Repealed.

(Aug. 12, 1937, 50 Stat. 626, ch. 596, § 2; Dec. 17, 2014, D.C. Law 20-148, § 2, 61 DCR 8314.)

Prior Codifications

1981 Ed., § 30-109.

1973 Ed., § 30-109.

Section References

This section is referenced in § 46-418.

Cross References

Waiver of this section, see § 46-418.

§ 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.)

Prior Codifications

1981 Ed., § 30-110.

1973 Ed., § 30-110.

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§ 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.)

Prior Codifications

1981 Ed., § 30-111.

1973 Ed., § 30-111.

§ 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

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22 FEB 2019


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(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).)

Prior Codifications

1981 Ed., § 30-112.

1973 Ed., § 30-112.

Section References

This section is referenced in § 46-406.

§ 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).)

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.)

Prior Codifications

1981 Ed., § 30-114.

1973 Ed., § 30-114.

Cross References

False or fictitious transcript of any record of marriage, penalties, see §§ 7-220, 7-225.

Fees for copies of record, see § 1-301.01.

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§ 46-415. Issue of marriages of colored persons. [Repealed]

Repealed.

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

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.)

Prior Codifications

1981 Ed., § 30-116.

1973 Ed., § 30-118.

Section References

This section is referenced in § 46-421.

Effect of Amendments

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

Emergency Legislation

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 Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

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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).

Temporary Legislation

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).

§ 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, § 12; as added Apr. 3, 2001, D.C. Law 13-269, § 107(b), 48 DCR 1270.)

Section References

This section is referenced in § 46-416.

Emergency Legislation

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 Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

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JONATHAN A. HIPE

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).

Temporary Legislation

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).

§ 46-417. Premarital blood tests; statement regarding test to be filed with application. [Repealed]

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.)

Prior Codifications

1981 Ed., § 30-117.

1973 Ed., § 30-119.

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. [Repealed]

Repealed.

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22 FEB 2019


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(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; Dec. 17, 2014, D.C. Law 20-148, § 3(a), 61 DCR 8314.)

1981 Ed., § 30-118.

1973 Ed., § 30-120.

Section References

This section is referenced in § 46-421.

Effect of Amendments

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

§ 46-419. Financial inability to pay for blood test or required statement [Repealed]

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.)

Prior Codifications

1981 Ed., § 30-119.

1973 Ed., § 30-121.

§ 46-420. Confidential character of blood test information.

Any information obtained from any laboratory blood test required under § 46-417 [repealed] 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.)

Prior Codifications

1981 Ed., § 30-120.

1973 Ed., § 30-122.

§ 46-421. Violations; prosecutions.

Whoever fails to comply with §§ 46-416, 46-416.01, and 46-420 shall be imprisoned for not more than 6 months, or fined not more than the amount set forth in § 22-3571.01, or both. Prosecutions for violations of this section shall be conducted by the Attorney General 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; Dec. 17, 2014, D.C. Law 20-148, § 3(b), 61 DCR 8314.)

Prior Codifications

1981 Ed. § 30-121

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Office of Legal Affairs

22 FEB 2019


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1973 Ed., § 30-123.

Effect of Amendments

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

The 2012 amendment by 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."

The 2014 amendment by D.C. Law 20-148 rewrote the section.

Editor's Notes

Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

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- ↪ [D.C. Law Library](#)
- ↪ [Code of the District of Columbia](#)
- ↪ [Title 46. Domestic Relations.](#)
- ↪ Chapter 5. Premarital Agreements.

Previous

[Chapter 4. Marriage.](#)

Next

[Chapter 6. Property Rights.](#)

Publication Information

Current through Mar. 30, 2018

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Chapter 5. Premarital Agreements.

[§ 46-501. Definitions.](#) [§ 46-502. Formalities.](#) [§ 46-503. Content.](#) [§ 46-504. Effect of marriage or domestic partnership.](#) [§ 46-505. Amendment; revocation.](#) [§ 46-506. Enforcement.](#) [§ 46-507. Void marriage or domestic partnership.](#) [§ 46-508. Limitation of actions.](#) [§ 46-509. Applicability.](#) [§ 46-510. Application and construction.](#)

§ 46-501. Definitions.

For the purposes of this chapter, the term:

(1) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

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22 FEB 2019

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(3) "Premarital agreement" means an agreement between prospective spouses or prospective domestic partners made in contemplation of marriage or domestic partnership and to be effective upon marriage or domestic partnership.

(4) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

(Feb. 9, 1996, D.C. Law 11-82, § 2, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(a), 53 DCR 1035.)

Prior Codifications

1981 Ed., § 30-141.

Effect of Amendments

D.C. Law 16-79 rewrote the section.

Editor's Notes

Uniform Law: This section is based upon § 1 of the Uniform Premarital Agreement Act.

§ 46-502. Formalities.

A premarital agreement must be in writing and signed by both parties. It is enforceable without consideration.

(Feb. 9, 1996, D.C. Law 11-82, § 3, 42 DCR 6770.)

Prior Codifications

1981 Ed., § 30-142.

Editor's Notes

Uniform Law: This section is based upon § 2 of the Uniform Premarital Agreement Act.

§ 46-503. Content.

(a) Parties to a premarital agreement may contract with respect to:

- (1) 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;
- (2) 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;
- (3) The disposition of property upon separation, marital dissolution, annulment, termination of a domestic partnership pursuant to § 32-702(d), death, or the occurrence or nonoccurrence of any other event;
- (4) The modification or elimination of spousal or domestic partner support;
- (5) The making of a will, trust, or other arrangement to carry out the provisions of the agreement;
- (6) The ownership rights in, and disposition of, the death benefit from a life insurance policy;

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Office of Legal Affairs

22 FEB 2019


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(8) Any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

(b) The right of a child to support may not be adversely affected by a premarital agreement.

(Feb. 9, 1996, D.C. Law 11-82, § 4, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(b), 53 DCR 1035; Sept. 12, 2008, D.C. Law 17-231, § 40(a), 55 DCR 6758.)

Prior Codifications

1981 Ed., § 30-143.

Effect of Amendments

D.C. Law 16-79, in subsec. (a)(3), substituted “annulment, termination of a domestic partnership under § 32-702,” for “annulment,”; and in subsec. (a)(4), substituted “spousal or domestic partner support” for “spousal support”.

D.C. Law 17-231, in subsec. (a)(3), substituted “pursuant to § 32-702(d),” for “under § 32-702.”

Editor's Notes

Uniform Law: This section is based upon § 3 of the Uniform Premarital Agreement Act.

§ 46-504. Effect of marriage or domestic partnership.

A premarital agreement becomes effective upon marriage or the registration of a domestic partnership under § 32-702.

(Feb. 9, 1996, D.C. Law 11-82, § 5, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(c), 53 DCR 1035.)

Prior Codifications

1981 Ed., § 30-144.

Effect of Amendments

D.C. Law 16-79 rewrote section which had read as follows: “A premarital agreement becomes effective upon marriage.”

Editor's Notes

Uniform Law: This section is based upon § 4 of the Uniform Premarital Agreement Act.

§ 46-505. Amendment; revocation.

After marriage or the registration of a domestic partnership under § 32-702, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

(Feb. 9, 1996, D.C. Law 11-82, § 6, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(d), 53 DCR 1035.)

Prior Codifications

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22 FEB 2019


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Effect of Amendments

D.C. Law 16-79 substituted "After marriage or the registration of a domestic partnership under § 32-702," for "After marriage,".

Editor's Notes

Uniform Law: This section is based upon § 5 of the Uniform Premarital Agreement Act.

§ 46-506. Enforcement.

- (a) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:
- (1) That party did not execute the agreement voluntarily; or
 - (2) The agreement was unconscionable when it was executed and, before execution of the agreement, that party:
 - (A) Was not provided a fair and reasonable disclosure of the property or financial obligations of the other party;
 - (B) 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; and
 - (C) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.
- (b) If a provision of a premarital agreement modifies or eliminates spousal or domestic partner support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation, marital dissolution, or termination of a domestic partnership pursuant to § 32-702(d), a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.
- (c) An issue of unconscionability of a premarital agreement shall be decided by the court as a matter of law.

(Feb. 9, 1996, D.C. Law 11-82, § 7, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(e), 53 DCR 1035; Sept. 12, 2008, D.C. Law 17-231, § 40(b), 55 DCR 6758.)

Prior Codifications

1981 Ed., § 30-146.

Effect of Amendments

D.C. Law 16-79 rewrote subsec. (b) which had read as follows: "(b) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes 1 party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility."

D.C. Law 17-231, in subsec. (b), substituted "pursuant to § 32-702(d)," for "under § 32-702,".

Editor's Notes

Uniform Law: This section is based upon § 6 of the Uniform Premarital Agreement Act.

§ 46-507. Void marriage or domestic partnership.

If a marriage or domestic partnership is determined to be void, an agreement that would otherwise have been a premarital

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shall be enforceable in the event that the marriage or domestic partnership is later determined to be void.

(Feb. 9, 1996, D.C. Law 11-82, § 8, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(f), 53 DCR 1035.)

Prior Codifications

1981 Ed., § 30-147.

Effect of Amendments

D.C. Law 16-79, in section heading, substituted “marriage or domestic partnership” for “marriage”; and substituted “marriage or domestic partnership” for “marriage”.

Editor's Notes

Uniform Law: This section is based upon § 7 of the Uniform Premarital Agreement Act.

§ 46–508. Limitation of actions.

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage or domestic partnership of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

(Feb. 9, 1996, D.C. Law 11-82, § 9, 42 DCR 6770; Apr. 4, 2006, D.C. Law 16-79, § 8(g), 53 DCR 1035.)

Prior Codifications

1981 Ed., § 30-148.

Effect of Amendments

D.C. Law 16-79 substituted “marriage or domestic partnership” for “marriage”.

Editor's Notes

Uniform Law: This section is based upon § 8 of the Uniform Premarital Agreement Act.

§ 46–509. Applicability.

This chapter applies to any premarital agreement executed on or after February 9, 1996.

(Feb. 9, 1996, D.C. Law 11-82, § 10, 42 DCR 6770.)

Prior Codifications

1981 Ed., § 30-149.

Editor's Notes

Uniform Law: This section is based upon § 12 of the Uniform Premarital Agreement Act

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§ 46-510. Application and construction.

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

(Feb. 9, 1996, D.C. Law 11-82, § 11, 42 DCR 6770.)

Prior Codifications

1981 Ed., § 30-150.

Editor's Notes

Uniform Law: This section is based upon § 9 of the Uniform Premarital Agreement Act.

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