
By Mr. Murphy of Brockton, petition of Frank Placzek and another for legislation limiting the remarriage of divorced parties. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT LIMITING THE REMARRIAGE OF DIVORCED PARTIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 208 of the General Laws is hereby amended by in-
2 serting after section 24A the following four sections: —
3 *Section 24B.* After a decree of divorce has become absolute,
4 either party may marry again as if the other were dead except
5 that any party having minor issue of a prior marriage not in his
6 custody and which he is under obligation to support by any
7 court decree or judgment, may not remarry in this common-
8 wealth without the order of any judge of the superior court,
9 judge of a probate court or a presiding judge of a district court;
10 the court granting said permission to remarry shall be in that
11 county having jurisdiction over the libel for divorce, in that
12 county in which such minor issue resides or in that county where
13 the marriage license application is made. No marriage license
14 shall be issued to any such party except upon court order. The
15 permission to remarry may be sought by petition and may be
16 heard by the court in an ex parte hearing provided that personal
17 service of a copy of said petition has been made upon the person,
18 agency or institution having custody of said minor issue at least
19 five days prior to said hearing. The moving party shall be re-
20 quired to submit proof of his compliance with such prior court
21 decree or judgment, and no order shall be entered on behalf of
22 the moving party, or hearing held, unless the person, agency,
23 institution or other entity having the legal or actual custody of
24 such minor issue appear except that such appearance or notice
25 may be waived by the court upon good cause shown. The mov-

26 ing party shall also make service of a copy of said petition to any
27 agency or institution providing any form of public or private
28 assistance to said minor issue in the same manner as that notice
29 which is to be given to the person, agency, institution or other
30 entity having custody of said minor issue. Upon the hearing, if
31 said person submits such proof and makes a showing that such
32 children are not and are not likely to become public charges, the
33 court shall grant such order, a copy of which shall be filed in any
34 prior divorce action of such person in this commonwealth affected
35 thereby; otherwise, permission for a license to remarry shall be
36 withheld until such proof is submitted and such showing is made.
37 Any order made denying said license may be appealed by the
38 moving party. No city or town clerk in this commonwealth
39 shall issue a license to marry to any person required to comply
40 with this section unless a certified copy of a court order per-
41 mitting such marriage is filed with said city or town clerk.

42 *Section 24C.* No nonresident of this commonwealth having
43 minor issue of a prior marriage not in his custody and which he
44 is under obligation to support by order or judgment of any court
45 in this state or elsewhere, may marry in this commonwealth un-
46 less he has complied with all of the requirements of the preceding
47 section.

48 *Section 24D.* If a resident of this commonwealth having such
49 support obligations of a minor as set forth in section twenty-
50 four B of this chapter wishes to marry in another state, he must,
51 prior to such marriage, obtain permission of the court under sec-
52 tion twenty-four B of this chapter, except that in a hearing or-
53 dered or held by the court, the other party to the proposed mar-
54 riage, if domiciled in another state, need not be present at the
55 hearing. If such other party is not present at the hearing, the
56 judge shall within five days send a copy of the order of permission
57 to marry, stating the obligations of support, to such party not
58 present.

59 *Section 24E.* This section shall have extraterritorial effect
60 outside the commonwealth; and sections twenty-four B and
61 twenty-four C of this chapter are applicable hereto. Any mar-
62 riage contracted without compliance with this section, where
63 such compliance is required, shall be void, whether entered into
64 in this state or elsewhere.