

Justices of The Peace Manual



Secretary of the State
State of Connecticut

Forward

“This pamphlet is dedicated to the many Justices of the Peace of Connecticut who faithfully and honestly perform their duties in all the towns and cities of our state.

It is hoped that the material contained in this pamphlet will help to clarify those duties and give guidance in answering questions regarding relevant state regulations and legislation that pertain to Justices of the Peace. Of course, such a pamphlet cannot be all-inclusive. Many towns have specific ordinances and charter provisions governing Justices of the Peace. Therefore, Justices of the Peace should consult with their town attorney when specific questions arise regarding their duties.”

Denise Merrill
Secretary of the State
Hartford, Connecticut

Introduction

The office of Justice of the Peace originated in England and was brought to this country by the early colonists. The office existed in Connecticut in some form from the beginning of the colony.

At one time when this State had a multi-tiered Court system with substantial judicial business being conducted by municipal and city Court judges, the elected Justice of the Peace had substantial authority with respect to the administration of minor Courts in this State. Over the years the scope of authority of this official has been narrowed so that in 1988 the role of the Justice of the Peace was limited to certain grants of authority enumerated by statute. Justices of the Peace have general oath giving powers (Conn. Gen. Stat.§1-24), may take acknowledgments (Conn. Gen. Stat.§1-29), may join persons in marriage (Conn. Gen. Stat.§46b-22), and may take depositions (Conn. Gen. Stat.§52-148c). There are also many statutory grants of power regarding specific documents. This pamphlet will discuss each of these areas as well as outlining how a person becomes a Justice of the Peace.

I. SELECTION OF JUSTICES OF THE PEACE

A. General

Connecticut General Statutes Section 9-183a, 9-183b, and 9-183c prescribe the manner in which Justices of the Peace are selected in Connecticut. Under this system the total number of Justices a town is entitled to select are allocated first among major political parties and then among unaffiliated voters and minor party members. Justices are selected during the year of the Presidential election and serve a four year term.

1. Major parties

Two-thirds of a town's Justice positions are allocated to "major" political parties that acquired that status by virtue of having enrolled as members at least 20% of all enrolled party members in the state. Currently, only the Democrats and the Republicans qualify under this provision, and therefore they each can select one third of the Justices in each town in the state.¹

The major party candidates for Justices of the Peace are endorsed according to the rules of each major party. The Democrats and the Republicans endorse by the party town committee, a caucus of enrolled party members, or party convention between the 84th and 77th days before a primary, if applicable. The names of those endorsed must be certified to the town clerk no later than the 14th day after the endorsement meeting. The persons endorsed need not be enrolled in the party unless the party rules so prescribe.

The names of Justice of the Peace candidates do not appear on the November election ballot. They are however subject to primary. The winners of the primary are the nominees of the party and become the Justices of the Peace. In the event that no petition is filed, the endorsees become the nominees and are qualified to serve as Justices of the Peace. (Conn. Gen. Stat. § 9-183b)

2. Unaffiliated voters and Minor party members

The last one-third² of Justice positions in each town are reserved for electors who are NOT members of the major parties. These minor party members and unaffiliated electors could become Justices by applying to their town clerk between August 1 and November 1 of the Presidential election year. Previously appointed non-major party Justices who reapply must be reappointed. After reappointing these incumbents, if the town clerk received more applications than

¹Twenty percent of the remaining one-third of the Justice positions is reserved for any "major" party that acquired that status solely by virtue of its candidate for governor receiving 20% per cent of the vote in the last election. (Conn. Gen. Stat. § 9-183c).

²If there were a party which qualified for major party status solely by virtue of its candidate for governor receiving 20% of the vote in the last election, it would get 20% of this last 1/3 of the Justice slots and 80% of this last 1/3 would go non-major party electors.

there were slots for non-major-party members, the clerk must hold a lottery on or before the fifteenth business day of November to determine the order of all non-incumbent applications. Those applications drawn first are appointed Justices until all non-major-party slots have been filled. The lottery continues until all applications are drawn so that a list can be established for filling vacancies. (Conn. Gen. Stats. § 9-184c)

3. Oath and signature -- Major party nominees

After a person is nominated by a major party as a Justice of the Peace, he/she must take the official oath of office on or before the first Monday of January following nomination, (or the first Tuesday, if the first Monday is a legal holiday). Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the town clerk.

After the Justice of the Peace takes the official oath, he/she must furnish his/her signature to the town clerk. If the Justice of the Peace nominated by a major party fails to take the oath or furnish his/her signature by the first Monday of January (or first Tuesday, as the case may be), the office shall be deemed vacant (Conn. Gen. Stat. §51-95).

Within thirty days after the fifteenth day of January following the nomination of the Justices of the Peace, and provided the signature form has been received by the town clerk, the clerk shall issue to each qualified Justice of the Peace a certificate of qualification setting forth his/her name, address, term of office and a statement that he/she is qualified to act as a Justice of the Peace.

4. Oath and signature -- Minor Party Members and Unaffiliated Electors

After a non-major party member is appointed as a Justice of the Peace by the town clerk, he/she must take the official oath of office and furnish his/her signature to the town clerk before commencing the duties of the office. Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the town clerk. (Conn. Gen. Stat. §51-95).

On or before the fifteenth day of January following the appointment of such non-major party Justices of the Peace, and provided the official oath has been taken and the signature form has been received by the town clerk, the clerk shall issue to each qualified Justice of the Peace a certificate of qualification setting forth his/her name, address, term of office and a statement that he/she is qualified to act as a Justice of the Peace.

B. Vacancies

The town clerk notifies the Secretary of the State of any vacancies.

1. Major parties

Vacancies in Justice positions allocated to major parties (Democrats or Republicans) can be filled by appointment by the town committee of the political party of the vacating Justice of the Peace for the remainder of the term. The town chairman or secretary of the town committee shall file a certificate of appointment of the Justice of the Peace with the town clerk. The oath of office and the furnishing of his/her signature must be completed within ten days of this appointment. If this is not done within ten days, a vacancy is again declared and the person must be reappointed by the town committee in order to qualify as a Justice of the Peace. (Conn. Gen. Stat. §9-184)

2. Unaffiliated voters and Minor party members

Vacancies in the non-major party Justice positions may only be filled if there had been more applications received by the town clerk between August 1 and November 1 of the last Presidential election year than there were non-major party Justices positions to be filled. If an excess of such applications had been received during the application period, the town clerk held a lottery and established a list of all applicants based upon the order their names were drawn in that original lottery. Only persons on that list may be appointed to fill vacancies in these non-major party Justice positions. If no excess of applications was received during that original application period, or if all persons on the list have already been appointed, no additional Justices may be appointed to fill non-major party vacancies. (Conn. Gen. Stat. §9-184c)

C. Incompatible Offices

No Justice of the Peace shall hold the office of state marshal. (Conn. Gen. Stat. §6-29)

D. Retirement

Formerly, Justices of the Peace faced a mandatory retirement age, but this provision was eliminated from the Constitution by the voters of Connecticut in 1974.

E. Certificate of Authority

The town clerk of a town wherein a Justice of the Peace resides or is employed is authorized to issue certificates of the authority of such person. (Conn. Gen. Stat. §7-33a)

As a practical matter, a town clerk could not issue a certificate of authority to a Justice of the Peace who does not reside in the town clerk's town unless he/she receives corroboration from the town clerk of the town of residence of the Justice of the Peace, the clerk of the Superior Court or the Secretary of the State.

II. ADMINISTRATION OF OATHS

A. General

A Justice of the Peace may administer an oath in all cases except as otherwise provided by law, pursuant to §1-24 of the Connecticut General Statutes. Black's Law Dictionary defines an oath as "Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.... An outward pledge by the person taking it that his attestation or promise is made under an immediate sense of responsibility to God."³ An oath is personal in nature and thus one person may not take an oath for another.

In administering an oath, the person to whom the oath is administered should hold up his/her right hand. If a person, by reason of scruples of conscience, objects to such ceremony, or if the Justice of the Peace administering the oath has reason to believe that any other ceremony will be more binding upon the conscience of the person taking the oath, he/she may permit or require any other ceremony to be used (Conn. Gen. Stat. §1-22). If, through scruples of conscience, a person declines to take the usual form of an oath, a solemn affirmation may be administered to him/her in the form of the oath prescribed, except that instead of the word "swear" the words "solemnly and sincerely affirm" shall be used and instead of the words "so help you God" the words "upon penalty of perjury" shall be used (Conn. Gen. Stat. §1-23). The person to whom an oath is administered should answer "I do".

The statutory forms of oaths are provided for in Conn. Gen. Stat. §1-25.

Conn. Gen. Stat. §53-368, provides a penalty that may be imposed upon a Justice of the Peace who falsely certifies to an oath.

B. Specific Statutory Administration of Oath

Section 52-53 of the Connecticut General Statutes specifically empowers Justices of the Peace to take the oaths of special deputies who have been authorized by a state marshal to make service of process. The Justice of the Peace must certify in writing on the process document itself (the legal document which has been served by the special deputy) that he/she (the Justice of the Peace) administered to the special deputy an oath whereby the deputy has sworn to the Justice of the Peace that he/she (the deputy) faithfully served the process in accordance with the terms of the marshal's special endorsement on the process and that he/she (the deputy) did not fill out the process or direct any person to fill it out. If the Justice of the Peace certifies on the process itself (process being the subpoena, the summons, or any document used to assert the jurisdiction of the Court) that he/she (the Justice of the Peace) administered the oath, then the service shall be just as valid as if made by a marshal or by a regular deputy marshal.

³Black's Law Dictionary (5th ed. 1979)

III. AFFIDAVITS

A. General

An affidavit is "a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation."⁴ Because a Justice of the Peace has general oath giving powers (Conn. Gen. Stat. §1-24), a Justice of the Peace in Connecticut may sign an affidavit after administering an oath (see section on "Oaths").

The usual procedure for taking an affidavit is as follows:

The Justice of the Peace administers an oath to the party making the affidavit following which the party signs the affidavit in the presence of the Justice of the Peace. If the document being signed does not already contain a form of affidavit (jurat) the Justice of the Peace then attaches a certificate substantially as follows:

"Subscribed and sworn to before me this _____ day of _____, 20__.

Signature of Justice of the Peace"

In an affidavit the legal emphasis is on the oath as to the veracity of the statements in the document.

Many legal documents require an affidavit. The Justice of the Peace should be cautioned that his/her legal authority extends only to the giving of the oath and signing of the affidavit. He/She should not actually draw up the document in question as most documents have very specific requirements that must be met in order to be legally sufficient. In other words, a Justice of the Peace should not practice law without a license!

B. Justice of the Peace and Notary Public Distinguished

Both Justices of the Peace and Notaries Public are given general oath giving powers under Conn. Gen. Stat. §1-24. However a Justice of the Peace does not have a seal. If a document requiring an affidavit requires a seal, the Justice of the Peace would be advised not to take the affidavit in this instance. In addition, some other jurisdictions may not recognize an affidavit taken by a Justice of the Peace. Therefore, in this, as in other matters where a legal question arises, the Justice of the Peace should consult an attorney.

⁴Black's Law Dictionary (5th ed. 1979)

C. Specific Examples of Affidavits

The following is a list of some commonly used documents in Connecticut which require an affidavit. Of course, this list is not exhaustive, but is to serve for sample purposes only.

1. Enrollment

Effective January 1, 1995, enrollment in a political party, transfer from one political party to another and erasure from membership in a political party will no longer have to be done under oath. Consequently Justices of the Peace will no longer need to use their general oath giving powers in connection with any transactions regarding enrollment in a political party.

2. Voter Registration

Connecticut law no longer requires that a mail-in voter registration form be signed before an official authorized to administer oaths, such as a Justice of the Peace. Consequently a Justice no longer has any official role in the registration of voters.

3. Application for Liquor Permit

The application must be signed and sworn to by the applicant and all backers. If the backer is a corporation or an unincorporated association, the application must be signed and sworn to by an authorized agent.

4. Motor Vehicle Documents

Both the Application for Duplicate Certificate of Title and Ownership Transfer in Absence of Title and the Report of Sale/Transfer of Non-Titled Motor Vehicle require an affidavit to be completed.

5. Will

The probate laws of Connecticut contain very specific requirements as to the proper execution of a will. The average Justice of the Peace is not often called upon to perform this duty because it requires a technical knowledge of the method and steps to be employed in order to properly perform this function. Thus the Justice of the Peace should consult with an attorney before signing an affidavit in this case and a Justice of the Peace should not actually draw up a will.

IV. ACKNOWLEDGMENTS

A. General

An acknowledgment is a "formal declaration before authorized official, by person who executed instrument, that it is his free act and deed. The certificate of the officer on such

instrument that it has been so acknowledged."⁵ Conn. Gen. Stat. §1-29 grants the power to take acknowledgments to Justices of the Peace.

When a Justice of the Peace takes an acknowledgment, he/she shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument (Conn. Gen. Stat. §1-32). The forms of acknowledgments are contained in Conn. Gen. Stat. §1-34.

Most documents have an acknowledgment form included in the text which the Justice of the Peace need only complete. If there is no such form, the Justice of the Peace should attach and complete an acknowledgment form on the document.

The usual acknowledgment form states that the signer of the instrument personally appeared before the Justice of the Peace and acknowledged the instrument to be his/her free act and deed. Each one of these claims then should be fulfilled: (1) the signer must personally appear before the Justice of the Peace, (2) must acknowledge that he/she signed the instrument in question, and (3) that it is his/her free act and deed and done for the purposes contained in the instrument. Some acknowledgment forms state that the Justice of the Peace personally knows the signer. If this is not so, great care should be exercised before an acknowledgment is taken or the Justice of the Peace may be liable for damages.

The taking of affidavits and the taking of acknowledgments should be distinguished. In the former, the emphasis is on the oath as to the veracity of the statements in the document while in the latter, the emphasis is upon the fact that the act is the free act and deed of the signer and the verification of his/her identity.

B. Conveyance of Real Estate

A typical instrument requiring an acknowledgment is a conveyance of real estate.

Section 47-5a of the Connecticut General Statutes confers upon a Justice of the Peace the authority to take the acknowledgment in a conveyance of real estate. Unlike a notary public, a Justice of the Peace does not have an official seal to impress upon his/her signature; however, the Justice of the Peace must ascertain that certain requirements have been met by the person who is acknowledging the signing of the document. These essential requirements are as follows:

1. The signer of the document must personally appear before the Justice of the Peace;
2. The Justice of the Peace must know the signer or have satisfactory evidence of the identity of the signer;
3. The signer of the document must either give evidence (e.g. represent) that the signature is his/her own or sign the document in the presence of the justice of the peace; and
4. The signer of the document must verbally acknowledge that the signing was his/her free act and deed and done for the purposes contained in the document.

⁵Black's Law Dictionary (5th ed. 1979)

In order to protect the Justice of the Peace from any subsequent charges that the deed or other document was improperly acknowledged, the following precautionary measures should be taken before certifying to the acknowledgment of a legal document:

1. The Justice of the Peace, if he/she does not know the signer, should require some independent proof of the identity of the person signing the document and whose acknowledgment is being taken. Such proof may be given in the form of a driver's license, social security card, credit card, etc.;
2. In the case of a deed conveying real estate, or Power of Attorney, including the power to convey real estate, the document should reflect that two independent witnesses were present at the time the document was signed by the person giving the acknowledgment. Although not legally necessary for a valid acknowledgment, the Justice of the Peace may ask for assurance that this witnessing requirement was in fact complied with at the time of such signing. The Justice of the Peace may keep in mind that he/she may act as one of these independent witnesses and also act as the acknowledging authority on the deed or other instrument;
3. The Justice of the Peace should also obtain a verbal acknowledgment from the signer of the document in the following fashion: The Justice of the Peace should require the signer to raise his/her right hand and to affirm, acknowledge or swear that the signing of the document in question is done freely and not as a result of any influence or duress exercised by another person. The following language is recommended: "Do you, John Jones, signer of the foregoing document acknowledge the same to be your free act and deed and done for the purposes contained therein?"; and
4. It is recommended that the Justice of the Peace make an independent visual observation that the signer of the document is in fact acting of his/her free and act deed (i.e., that he/she is not under the effects of any medication or that he/she does not appear to be impaired mentally to such a degree that he/she does not understand the consequences of his/her actions). For convenience sake a model attestation and signing section of a Deed has been attached to this section and labeled Schedule A.

C. Primary Petitions

After primary petitions are circulated, the circulator must sign a statement which must be acknowledged. This acknowledgment may be before a Justice of the Peace. (see Schedule B)

D. Nominating Petitions (Third Party)

As in the case of primary petitions, the circulator of nominating petitions must sign a statement as to the authenticity of signatures and have it acknowledged prior to submitting the petitions. Again, a Justice of the Peace may legally acknowledge this statement. (see Schedule C)

V. JUDICIAL BUSINESS

A. General

As mentioned in the introduction, under the current judicial system in this State, Justices of the Peace are no longer permitted to conduct "judicial business", (i.e., hear testimony and evidence in civil and criminal proceedings, make rulings, decrees or orders, impose fines or penalties, make or certify official Court records). Under our current one-tier trial Court system, Justices of the Peace have been stripped of their judicial powers. However, any former Justice of the Peace may complete his/her official records and may provide certified copies of them as documentary evidence to be used in Court proceedings, by virtue of the provisions of Conn. Gen. Stat. §51-105.

In order for a judgment of a Justice of the Peace to be qualified to be used as evidence in Courts of law, the proponent of such documentary evidence must obtain a copy of the judgment attested to by the Justice of the Peace, which judgment must have been recorded and must have been:

1. Recorded in the record book of the town where the action was brought;
2. With the certificate of the town clerk that it has been recorded; and
3. The seal of the town must be affixed to said judgment.

For purposes of admissibility as evidence, if it is impossible to obtain a formal record of proceedings brought and concluded before a Justice of the Peace under the old system, then the files and minutes of the Justice of the Peace shall be admissible as evidence in any Court action brought on such a judgment after the removal of the Justice of the Peace from this State or his/her decease. This procedure is authorized by Conn. Gen. Stat. §51-108.

B. Depositions

In this State depositions may be taken before a Justice of the Peace. A deposition is the taking of testimony under oath for subsequent use in Court proceedings. In Connecticut, a Justice of the Peace may issue a subpoena (sample attached hereto as Schedule D) for the appearance of any witness in the context of such a deposition in a civil action or probate proceeding. This subpoena may be issued by the Justice of the Peace so long as he/she is satisfied that the party moving for the deposition has complied with the statutory requirements with respect to the giving of notice as set forth in Conn. Gen. Stat. §52-148b.

The authority of a Justice of the Peace to take depositions extends to the taking of a deposition of a witness living in Connecticut whose testimony will be used as evidence in a civil action or probate proceeding in a Court outside the State of Connecticut (i.e., a state court, a federal court or a court of a foreign country). (Conn. Gen. Stat. §52-148c)

This duty of Justices of the Peace requires a technical knowledge of the method and steps to be employed in order to properly perform this function. Therefore, it is urged that a Justice of the Peace seek the advice of an attorney prior to taking depositions.

C. Issuance of Subpoenas in Relationship to Depositions

A Justice of the Peace may issue subpoenas to compel attendance of witnesses not only at depositions to be taken before the Justice of the Peace himself, but also upon the request of a commissioner from outside Connecticut duly appointed by the laws or Court of any state or foreign government, if the commissioner has been appointed to take testimony in Connecticut to be used in an out-of-state Court. The subpoena, authorized by Conn. Gen. Stat. §52-155, will compel the appearance of any such witness before the commissioner. However, before he/she issues such a subpoena, the Connecticut Justice of the Peace must have proof of the out-of-state commissioner's authority and proof also that the testimony of the witness in question is material. (Conn. Gen. Stat. §52-148c)

D. Erasure of Criminal Records

In the case of a "nolle" (an official decision not to prosecute), which nolle has been entered in a criminal case by a Justice of the Peace prior to April 1, 1972, the records pertaining to such criminal case shall be deemed erased by operation of law, as provided by Conn. Gen. Stat. §54-142a. The Justice of the Peace or former Justice of the Peace retaining and controlling such criminal records shall not disclose to anyone the existence of such records or any information pertaining to any criminal charge so erased.

E. Subpoena to Appear before Municipal Police Commissioners

Conn. Gen. Stat. §7-279 gives any Justice of the Peace the power to sign and issue subpoenas to compel the attendance of witnesses before the board of police commissioners of any municipality at any lawful meeting of such board.

F. Tax Warrants

Justices of the peace are authorized by Conn. Gen. Stat. §12-130, to issue tax warrants for the collection of any sums due on rate bills upon application of the town tax collector. The form of the tax warrant is found in Conn. Gen. Stat. §12-132.

VI. PERFORMING MARRIAGES

Many Justices of the Peace are called upon to perform marriages. The following is a listing of the most commonly asked questions concerning this duty and their answers. For any other questions, please contact the Department of Public Health or visit their webpage at <http://www.ct.gov/dph>.

◆Is there something the justice of the peace should do when presented with the marriage license prior to performing the marriage?

The justice of the peace should read the marriage license carefully and determine that the following items are in order:

1. Verify that both individuals are the persons who are named on the license and that the license was issued by the registrar of vital statistics for the town in which the marriage is to be celebrated.

2. Verify that the signatures of both people to be married and the certification of the registrar are on the marriage license.
3. If either person is under the age of 18 and at least 16 years old, assure that the license has been provided by the judge of probate for the district in which the minor resides.
4. If either person is under the supervision or control of a conservatorship, assure that written consent of the conservator has been filed with the registrar and that such consent was signed and acknowledged before a person authorized to take acknowledgments.
5. Verify that the marriage license is still within the valid period of not more than sixty-five days after the date of application. The justice of the peace should complete the certificate in BLACK INK, sign it, and mail it to the registrar of vital records of the town where the marriage was performed. DO NOT give the certificate back to the persons joined in marriage. Filing the license is the justice of the peace's responsibility.

◆Can I change any information on the license if either party state that it is wrong?

No. All changes, corrections, or amendments are the responsibility of the registrar of vital statistics who issued the license.

◆How many witnesses are needed?

The Connecticut General Statutes do not require witnesses to the marriage. The marriage is performed by an official empowered by statute to do so. Different religions may require a varying number of witnesses.

◆How soon after the ceremony do I have to return the license?

The marriage license should be returned to the town in which the marriage took place as soon as possible. Conn. Gen. Stat. §46b-34 indicates the license must be returned before or during the first week of the month following the marriage. It is the responsibility of the person performing the marriage to return the license - DO NOT give it to the either person joined in marriage to return. However, if any person fails to return the certificate to the registrar, as required, the persons joined in marriage may provide the registrar with a notarized affidavit attesting to the fact that they were joined in marriage and stating the date and place of the marriage. Upon the recording of such affidavit by the registrar, the marriage of the affiants shall be deemed to be valid as of the date of the marriage stated in the affidavit.

◆Could some standard form of marriage ceremony be provided?

See Schedules E and G.

◆Do I have anything to give the persons joined in marriage such as a certificate or proof of marriage?

No. There is nothing officially required, although many justices of the peace have created their own personalized certificates to give to the couple as a memento. These certificates have no legal status.

◆What is the acceptable fee to charge?

This depends on the nature of the service performed and the amount of effort expended by the justice of the peace. No statutory reference is made with respect to how much

money a justice of the peace may charge; however a fee should be discussed and agreed upon by the parties in advance of the ceremony.

◆Can marriage be performed by justices of the peace anywhere in this state?

A justice of the peace can perform a marriage in any town in the state of Connecticut. Remember, the marriage license must be issued by the registrar of vital statistics in the town in which the marriage will take place.

◆Can a justice of the peace perform marriage out of this state?

No. The justice of the peace has jurisdiction only in Connecticut.

◆Can a justice of the peace perform the marriage ceremony for his own child?

The justice of the peace may perform the marriage of any member of his/her family.

◆What are the marriage laws?

See Appendix and *Elizabeth Kerrigan et al. v. Commissioner of Public Health et al.* 289 Conn. 135 (2008),

◆Does a justice of the peace have to perform a marriage if asked?

Connecticut General Statute 46b-22b and 46b-35a state:

Sec. 46b-22b. Refusal to solemnize or participate in ceremony solemnizing a marriage on religious grounds. (a) No member of the clergy authorized to join persons in marriage pursuant to section 46b-22 shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the first amendment to the United States Constitution or section 3 of article first of the Constitution of the state.

(b) No church or qualified church-controlled organization, as defined in 26 USC 3121, shall be required to participate in a ceremony solemnizing a marriage in violation of the religious beliefs of that church or qualified church-controlled organization.

Sec. 46b-35a. Refusal to provide services or accommodations related to the solemnization or celebration of a marriage on religious grounds. Notwithstanding any other provision of law, a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage or celebration of a marriage and such solemnization or celebration is in violation of their religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

◆ *Are marriages performed on Indian Reservations valid?*

In an Attorney General's opinion, marriages solemnized on Indian lands have fulfilled the requirements of Connecticut law. The certificate of marriage should be issued by the town in which the reservation is located. *See Attorney General's opinion September 7, 2005.*

Connecticut General Statute 46b-28d states:

Sec. 46b-28d. Recognition of marriages entered into at Mashantucket Pequot reservation or Mohegan reservation. All marriages celebrated before May 27, 2016, under a tribal marriage license at the Mashantucket Pequot reservation or Mohegan reservation are recognized as a valid marriage in this state, provided the marriage is recognized under the laws of the Mashantucket Pequot Tribal Nation or the Mohegan Tribe of Indians of Connecticut and not otherwise expressly prohibited by statute in this state.

SCHEDULE A

Model Attestation and Acknowledgment Clause on a Deed

In Witness Whereof.....I..... have hereto set my hand and seal this.....1stday of.....July, 2012 .

Signed, Sealed and Delivered in the presence of

/s/
Oliver J. Wolcott

/s/
Samuel T. Huntington

/s/
Roger W. Sherman

State of Connecticut, County of.....Hartford.....SS.:.....Hartford, July 1, 2012

On this the1stday of.....July.....20 12, before me,....Justice O. T. Peace....the undersigned office, personally appeared:

Roger W. Sherman

known to me (or satisfactorily proven) to be the person whose name....is....subscribed to the within instruments and acknowledged that....he....executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand.

/s/ Justice O.T. Peace
Justice of the Peace

Title of Office

State of Connecticut, County of.....SS.:.....

On this the.....day of.....20....., before me,.....

The undersigned officer, personally appeared.....

who acknowledged himself to be the.....of

....., a corporation, and that he, as such

.....being authorized so to do, executed the foregoing instrument for the

purposes therein contained, by signing the name of the corporation by himself as:

In Witness Whereof, I hereunto set my hand.

Title of Office

SCHEDULE D

Model Subpoena

SUBPOENA/CIVIL

JD-CL-43 Rev. 3-09
C.G.S. § 52-143, 52-144
Pr. Bk. Secs. 7-19, 24-22

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Court Use Only
SUBISSU



Instructions:

1. Do **Not** use this subpoena if the witness is being summoned by the state or by the attorney general or an assistant attorney general or by any public defender or assistant public defender acting in his/her official capacity.
2. The person being subpoenaed and the items they are ordered to bring as listed below must be identical to the names and items as ordered on the Application for Issuance of Subpoena, form JD-CV-62.

Name of Case				Docket Number
<input type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> Geographical Area Number _____	<input type="checkbox"/> Small Claims Area	Address of Court (Number, street and town)

To: (Name and address)

Date and time you are to appear	Time	. m.	Report to	<input type="checkbox"/> Clerk's office <input type="checkbox"/> Courtroom number _____ <input type="checkbox"/> Person requesting subpoena
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By Authority of The State of Connecticut, you are commanded to come to the court at the Address of Court above on the Date and Time indicated above or to another day after (within 60 days of the Date indicated above) when the case will be tried; you must come to the court to testify what you know in the case.

You Are Further Commanded To Bring With You And Produce:

Hereof Fail Not, Under Penalty Of The Law.

To any proper officer or indifferent person to serve and return.		Name of person requesting subpoena	Telephone number
Signed (Clerk, Commissioner of Superior Court)	Print or type name	Date	At

Notice To The Person Summoned

If you do not come to court on the day and at the time stated, or on the day and at the time which your appearance may have been postponed or continued to by order of an officer of the court, the court may order that you be arrested. Also, if one day's attendance and traveling fees have been paid to you and you do not come to court and testify, without reasonable excuse, you will be fined not more than \$25.00 (twenty-five dollars) and pay all damages to the aggrieved party. **The party requesting the subpoena is responsible for paying the witness fees.**

Any questions regarding this subpoena should be directed to the person who requested it.

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact the clerk of the court at the Address of Court shown above.

Telephone number: _____

Return Of Service

Judicial District of _____ ss. _____	Date
Then and there I made service of the within subpoena not less than eighteen hours prior to the time designated for the person summoned to appear, by reading the same in the presence and hearing/leaving a true and attested copy hereof in the hands/at the last usual place of abode of each of the within-named persons, viz:	Fees
	Copy
	Endorsement
	Service
Travel (Show miles & amount)	Total
Attest (Signature of proper officer or indifferent person)	Title (If applicable)

Distribution: Original - Return to clerk after making service Copy 1 - Witness Copy 2 - Court file

SCHEDULE E
Marriages

Today we are here to join you in marriage and to share in the joy of this occasion which should be one of the most memorable and happy days of your life.

On this day of your marriage, you stand somewhat apart from all other human beings. You stand within the charmed circle of your love; and this is as it should be. But love is not meant to be the possession of two people alone. Rather it would serve as a source of common energy, as a form in which you find the strength to live your lives with courage. From this day onward you must come closer together than ever before, you must love one another in sickness and in health, for better and for worse, but at the same time your love should give you the strength to stand apart, to seek out your unique destinies, to make your special contribution to the world which is always part of us and more than us.

Being assured that you are aware of the meaning of this ceremony, I will now ask you to repeat the marriage vows.

1. DOUBLE RING CEREMONY

Do you, _____, take this woman _____, to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, _____, take this man, _____, to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part? (Place the ring upon his finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

2. SINGLE RING CEREMONY

Do you, _____, take this woman _____, to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, _____, take this man, _____, to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

3. NO RING CEREMONY

Do you, _____, take this woman, _____, to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part?

Do you, _____, take this man, _____, to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

(The parties are now directed to join hands.)

Having joined hands, the person officiating will say:

"By the act of joining hands you take to yourself the relation of husband and wife and solemnly promise to love, honor, comfort and cherish each other so long as you both shall live. Therefore, in accordance with the law of Connecticut and by virtue of the authority vested in me by the law of Connecticut I do pronounce you husband and wife."

CLOSE OF CEREMONY

"You came to me as two single people and you will now leave as a married couple, united to each other by the binding contract you have just entered. Your cares, your worries, your pleasures and your joys you must share with each other. The best of good fortune to both of you."

SCHEDULE F

Civil Unions

This section is no longer valid as all Civil Unions have been converted to marriages by statute.

SCHEDULE G
Same-Sex Marriages

Today we are here to join you in marriage and to share in the joy of this occasion which should be one of the most memorable and happy days of your life.

On this day of your marriage, you stand somewhat apart from all other human beings. You stand within the charmed circle of your love; and this is as it should be. But love is not meant to be the possession of two people alone. Rather it would serve as a source of common energy, as a form in which you find the strength to live your lives with courage. From this day onward you must come closer together than ever before, you must love one another in sickness and in health, for better and for worse, but at the same time your love should give you the strength to stand apart, to seek out your unique destinies, to make your special contribution to the world which is always part of us and more than us.

Being assured that you are aware of the meaning of this ceremony, I will now ask you to repeat the marriage vows.

1. DOUBLE RING CEREMONY

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

2. SINGLE RING CEREMONY

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

3. NO RING CEREMONY

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part?

Do you, _____, take this woman/man/person, _____, to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

(The parties are now directed to join hands.)

Having joined hands, the person officiating will say:

"By the act of joining hands you take to yourself the relation of husband and wife and solemnly promise to love, honor, comfort and cherish each other so long as you both shall live. Therefore, in accordance with the law of Connecticut and by virtue of the authority vested in me by the law of Connecticut I do pronounce you spouses in life."

CLOSE OF CEREMONY

"You came to me as two single people and you will now leave as a married couple, united to each other by the binding contract you have just entered. Your cares, your worries, your pleasures and your joys you must share with each other. The best of good fortune to both of you."

APPENDIX of STATUTES

SECTIONS OF THE GENERAL STATUTES OF CONNECTICUT

1-22	12-132	46b-34
1-23	46b-20	46b-35
1-24	46b-20a	46b-35a
1-25 (in part)	46b-21	47-5a
1-29	46b-22	51-52
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6-29	46b-24	51-105
7-33a	46b-24a	51-107
7-279	46b-25	51-108
9-183a	46b-26	52-53
9-183b	46b-27	52-148b
9-183c	46b-28	52-148c
9-184	46b-28a	52-148e
9-184c	46b-28b	52-155
9-186	46b-29	53-368
9-328	46b-30	54-142a
9-372 (5)	46b-31	
9-422	46b-32	
12-130	46b-33	

P. A. 04-188, amending 46b-34 (a)
P.A. 09-13 An Act Implementing the
Guarantee of Equal Protection Under
the Constitution of the State for
Same Sex Couples

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