



LEGISLATURE OF AMERICAN SAMOA

American Samoa Government

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H.B. #37-37

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THE THIRTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
two thousand and twenty two

AN ACT REMOVING THE MINIMUM 30-DAY REQUIREMENT AFTER
ISSUANCE OF A MARRIAGE LICENSE TO CONDUCT A MARRIAGE
CEREMONY BY AUTHORIZED OR ORDAINED REPRESENTATIVES;
AMENDING SECTION 42.0105 A.S.C.A.

Preamble:

- WHEREAS, the current law requires individuals to wait at least 30 days and not more than 90 days after the issuance of their marriage license before they are to be married. There is a clause that allows for the waiver of the 30-day waiting period however this clause requires the parties to apply to the Court for this waiver. This presents various problems for the general public; and
- WHEREAS, individuals should not be required to wait 30 days prior to being married. Individuals should be allowed the flexibility, convenience and the freedom to marry as soon as their marriage license is approved; and
- WHEREAS, there are numerous reasons why individuals may want to get married sooner than 30 days. The couple may have a serious health condition that precludes them from waiting the minimum 30-day waiting period. The couple may already be pregnant and they wish to be married before their child is born so the child has both of their names on the child's birth certificate. Travel restrictions under COVID-19 have also shortened individuals' time frames for getting married; and
- WHEREAS, all Samoans are members of a larger family structure. Our culture is communal in nature which means life-changing events, such as a marriage, are discussed with parents, grandparents, aunts, uncles, legal guardians, or other family member who has influence over the individuals who wish to marry. Couples will always receive counsel from their elders and from their ministers about the sanctity of marriage; and

WHEREAS, it is time for us to change with the times and simplify the process and procedures for our people to get married here in the territory. Removing the minimum waiting period of 30 days from the law will simplify and streamline the process. Removing the minimum waiting period to encourage couples to get married.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 42.0105 is amended to read:

“42.0105 Marriage ceremony.

(a) At any time not less than 30 or more than 90 days after the issuance of a marriage license, any minister of any Christian religion duly appointed or ordained and duly registered in the office of the Registrar of Vital Statistics, or any Samoan Associate Judge, or the Associate Justice or Chief Justice, may marry the parties.

(b) The presence of at least 2 witnesses is requisite for the due solemnization of a marriage.

(c) The parties to the marriage, the witnesses and the minister, justice or judge shall sign, in triplicate, a certificate substantially in the following form:

CERTIFICATE OF MARRIAGE

I,....., duly authorized to solemnize and perform marriages, being a..... (Minister—Justice—Judge) of the, (Church or High Court). do hereby certify that I have, on the.....day of.....20..... celebrated and solemnized a marriage between.....(groom) of.....Village, son of.....(father) and(mother), and.....(bride) of.....Village, daughter of and....., at.....(location), American Samoa.

.....
(Minister—Justice—Judge)


.....
Signature of Groom

.....
Signature of Bride


.....
Signature of Witness

.....
Signature of Witness

(d) — ~~The 30-day waiting period may be waived for good cause shown by any judge of the High Court upon proper application of the parties in such form as may be prescribed by the court.~~


SAYALI TALAVOU ALE
Speaker, House of Representatives


TUAOLO MANAIA FRUEAN
President of the Senate

 12/08/2022
Hon. Lemanu S. P. Mauga
Governor
of American Samoa

NOFOAIGA TOLUSEFULU-FITU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Fa

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefulutasi o Iulai
 Lua afe luasefululua

O SE TULAFONO E AVEESEA AI LE MANA'OGA O LE 30 ASO, PE A ITITI MAI, TALU ONA TUUINA MAI O LE LAISENE FAAIPOIPO, ONA FAATO'A MAFAI LEA ONA FAATAUNUU O LE SAUNIGA O LE FAAIPOIPOGA E I LATOU UA FAATAGA POO UA FAAUUNA LATOU TE FAIA LEA SAUNIGA; SUIA AI LE MAGA 42.0105 TTAS

Faatomuaga:

- TALUAI, o le tulafono o loo i ai nei e manaomia ai le faatali seia atoa le 30 aso pe a ititi mai ae le silia le 90 aso talu ona tuuina mai o se laisene faaipoipo ona faato'a mafai lea ona faaipoipo. E i ai se vaega o loo faataga ai ona faagafua le 30 aso lea e faatali ai, peitai o loo faapea mai lea faaupuga, e manaomia ona talosaga o itu aafia i le Faamasinoga mo le faagafuaina o le mana'oga lea. E tele faafitauli mo le mamalu lautele i lea faiga; ma
- TALUAI, e le tatau ona tau faatalitali tagata mo le 30 aso faato'a mafai ona faaipoipo. E tatau lava ona tuu le avanoa i tagata e mafai ai ona fetuutuuna'i manatu ma maua ai le saolotoga e faaipoipo ai pe a ua uma ona faamaonia mai o le laisene faaipoipo; ma
- TALUAI, e tele mafuaaga e ala ai ona manana'o-nisi e fia faaipoipo ae lei oo i le 30 aso. E le taumate e i ai se tulaga matuia tau le soifuamaloloina i le ulugalii e le tatau ai ona faatalitali i le 30 aso. O nisi, masalo ua ma'itaga le tinā ma e mana'o ina ia faaipoipo a o lei ola le tinā ina ia tuu uma o la igoa i le pepa fanau o le pepe. O tulafono foi ma tapulaa tau femalaga'iga i lalo o le Koviti 19 e puupuu ai taimi e maua mo le faaipoipoina; ma
- TALUAI, o Samoa uma o ni totino o ni aiga tetele atu. O la tatou aganuu e moomia le talanoaina faatasi o mea faapenei e i ai ma faaipoipoga – e talanoa ai ma matua, matua o matua ma le li'o atoa o aiga ma i latou e sootino ma soototo ma i la'ua ua fia faaipoipoina. E le gata foi i lena, a o apoapoa'iga foi ma fautuaga mai le 'au matutua ma faife'au e faatatau i le taua o le tuufaatasia i le faaipoipoga; ma
- TALUAI, ua oo i le-taimi ua tatau ai ona tatou o faatasi ma le suiga ua i ai nei ona po, ma faafaigofie ai tualumaga faapenei mo tatou tagata o loo fia faaipoipo i

totonu o le teritori. O le aveesea o le 30 aso lea e faatali ai mai totonu o le tulafono, o le a faafaigofie ai ma sologa lelei tualumaga o le faia o le faaipoipoga.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 42.0105 ua suia nei e faitauina faapea:

“42.0105 Sauniga o le faaipoipoga.

(a) I soo se taimi e le ititi ifo i le 30 pō sili atu i le 90 aso talu ona tuuina mai o se laisene faaipoipo, soo se faife’au o soo se lotu Kerisiano ua tofia pe faauuina foi ma ua lesitalaina i le ofisa o le Lesitala o Faamaumauga Taua, poo soo se Faamasino Lagolago Samoa, poo le Faamasino Lagolago poo le Faamasino Sili, e mafai ona faia o faaipoipoga.

(e) E tatau ona i ai o ni molimau ia le ititi ifo i le to’alua ina ia mafai ai ona faataunuaina o le faaipoipoga.

(i) O itu e lua e faaipoipoina, o molimau ma le faife’au, faamasino poo se faamasino Lagolago e saina, i kopi e tolu, se tusi e faailoa manino ai i le pepa lenei:

PEPA FAAIPOIPO

O a’u o, ua faatagaina e faia ma faataunuu sauniga o le faaipoipoga, ona o a’u o se(Faife’au—Faamasino—Faamasino Lagolago) o le(Ekalesia poo le Faamasinoga), ua ou faamaonia nei o leaso o.....20.....ua ou faia ai ma faamaonia se faaipoipoga i le va o.....(alii faaipoipo) o le Afioaga o, alo o.....(tamā) ma(tinā) ma.....(tamaitai faaipoipo) o.....(Afioaga) alo oma..... i.....(nuu/nofoaga) Amerika Samoa.

.....
(Faife’au—Faamasino—Faamasino Lagolago)

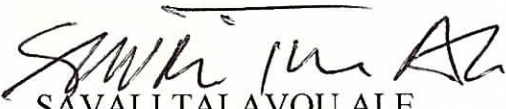
.....
Saini a le Alii faaipoipo

.....
Saini le Tamaitai Faaipoipo

.....
Saini o le Molimau

.....
Saini o le Molimau

~~(e) E mafai ona faagafua le 30 aso e faatali ai mo se mafuaga tataau e soo se faamasino o le Faamasinoga Mauualuga pe a talosagaina e itu aafia i se pepa e faatonu mai e le faamasinoga.”~~


SAVALI TALAVOU ALE
FofogaFetalai, Maota o Sui


TUAOLO MANAIA FRUEAN
Peresetene, MaotaMauualuga


12/8/2022
Lemani S. P. Mauga
Kovana
Amerika Samoa