

In Re Marriage of Cantarella

Talk about going back to basics. A valid marriage requires consent, capacity to consent, a marriage license, solemnization, authentication of the marriage and registration of the marriage certificate. Here, the marriage took place in 1991 under the Family Law Act, before the effective date of the Family Code in 1994. Because the 1991 ceremony was not registered, the parties married again 11 years later. When they divorced in 2008, wife claimed they were married in 1991 (a 17 year marriage), husband claimed they were married in 2000 (an 8 year marriage). Of course, the duration of spousal support hinged on the length of marriage. What a far cry from Shakespeare's lovely observation:

“Look down, you gods
And on this couple drop a blessed crown.”
Gonzalo, *The Tempest*, V.I., 201

The trial court determined that the marriage was of long duration and ordered spousal support paid until wife's death, remarriage or further order of court. In affirming, the appellate court held that the 1991 marriage was valid, that failure to register the marriage certificate did not render the marriage invalid, and that the registration requirement was the obligation of the nonparty officiant for record-keeping purposes , and was unrelated to the validity of the marriage.

Family Code Section 300 *et. seq.* governs Validity of Marriage. We shouldn't assume we know all the details of marriage validity and its requirements. *Cantarella* reminds us to check and observe the technicalities. It may save heartbreak later on for the happy couple wearing Shakespeare's blessed crown.

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