

PREMARITAL EDUCATION AND COUNSELING

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dixon M. Pitcher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the marriage education or counseling provisions by requiring a reduction in marriage license fees for couples who voluntarily undergo premarital counseling that meets specific criteria.

Highlighted Provisions:

This bill:

- ▶ reduces the marriage license fee for a couple who undergo premarital education or counseling;
- ▶ increases the license fee for a couple who do not undergo premarital education or counseling;
- ▶ creates a three day waiting period for a license before it can be used; and
- ▶ sets out a list of topics the premarital counseling should cover.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2013.

Utah Code Sections Affected:

AMENDS:

30-1-7, as last amended by Laws of Utah 2004, Chapter 289



- 28 **30-1-14**, as last amended by Laws of Utah 2001, Chapter 129
- 29 **30-1-30**, as enacted by Laws of Utah 1971, Chapter 64
- 30 **30-1-36**, as enacted by Laws of Utah 1971, Chapter 64
- 31 **30-1-37**, as last amended by Laws of Utah 2011, Chapter 297
- 32 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64
- 33 **63I-1-230**, as renumbered and amended by Laws of Utah 2008, Chapter 382

34 ENACTS:

35 **30-1-7.5**, Utah Code Annotated 1953

36 REPEALS AND REENACTS:

37 **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64

38 REPEALS:

- 39 **30-1-31**, as enacted by Laws of Utah 1971, Chapter 64
- 40 **30-1-32**, as last amended by Laws of Utah 2011, Chapter 297
- 41 **30-1-33**, as last amended by Laws of Utah 2011, Chapter 297
- 42 **30-1-35**, as last amended by Laws of Utah 2011, Chapter 297
- 43 **30-1-38**, as enacted by Laws of Utah 1971, Chapter 64

44

45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **30-1-7** is amended to read:

47 **30-1-7. Marriage licenses -- Use within state -- Expiration.**

48 (1) ~~[No]~~ A marriage may not be solemnized in this state without a license issued by the
49 county clerk of any county of this state.

50 (2) A license issued within this state by a county clerk may only be used within this
51 state.

52 (3) A license that is not used within 30 days of the date of issuance is void.

53 Section 2. Section **30-1-7.5** is enacted to read:

54 **30-1-7.5. Marriage licenses -- Waiting period.**

55 A license is not valid and may not be used until the third day after the date of issuance,
56 not including the day of issuance, unless:

- 57 (1) the couple has participated in premarital education or counseling in accordance
- 58 with Section 30-1-34; or

59 (2) the county clerk grants an exemption to a couple who has not participated in
60 premarital education or counseling based on extraordinary circumstances.

61 Section 3. Section **30-1-14** is amended to read:

62 **30-1-14. Acting without authority -- Impersonation -- Forgery -- Penalty.**

63 A person is guilty of a third degree felony if he:

64 (1) knowingly solemnizes a marriage in violation of either Section 30-1-6, 30-1-7,
65 30-1-7.5, or 30-1-9.1;

66 (2) impersonates a parent or guardian of a minor to obtain a license for the minor to
67 marry; or

68 (3) forges the name of a parent or guardian of a minor on any writing purporting to
69 give consent to a marriage of a minor.

70 Section 4. Section **30-1-30** is amended to read:

71 **30-1-30. Premarital education or counseling -- State policy -- Applicability.**

72 (1) It is the policy of the state of Utah to enhance the possibility of couples to achieve
73 more stable, satisfying and enduring marital and family relationships by providing
74 opportunities for and encouraging the use of premarital education or counseling prior to
75 securing a marriage license [~~by persons under 19 years of age and by persons who have been~~
76 ~~previously divorced~~].

77 (2) As used in Sections 30-1-30, 30-1-36, 30-1-37, and 30-1-39:

78 (a) "Premarital counseling" means the engaged couple meets together or individually
79 with a licensed counselor or ordained minister who provides information and guidance
80 regarding marriage and family life.

81 (b) "Premarital education" means information regarding marriage and family life that is
82 provided within a set curricula to couples in a group or classroom setting or via an online
83 learning environment.

84 Section 5. Section **30-1-34** is repealed and reenacted to read:

85 **30-1-34. Certificate of completion of counseling or education -- Reduction of**
86 **license fee -- Increase in fee for noncompletion of counseling or education.**

87 (1) The county clerk of any county who issues a marriage license to applicants who
88 present a certificate of completion in accordance with Subsection (2) shall reduce the fee for
89 the license to \$20.

90 (2) In order to qualify for the reduced fee in Subsection (1), the parties shall submit a
91 signed and dated statement from the person who provided the premarital education or
92 counseling confirming that it was received.

93 (a) The premarital education or counseling shall be provided by:

94 (i) a licensed or ordained minister or the minister's designee who has been trained by
95 the minister or denomination to conduct premarital education or counseling;

96 (ii) a person authorized to solemnize marriages under Section 30-1-6;

97 (iii) a licensed counselor;

98 (iv) an individual certified by the National Council on Family Relations as a Certified
99 Family Life Educator;

100 (v) a Family and Consumer Sciences educator, including Family and Consumer
101 Sciences educators with the Utah State University Cooperative Extension Service; or

102 (vi) an individual who is an approved instructor of a premarital education curriculum
103 that meets the requirements in Subsection (2)(b).

104 (b) The education or counseling shall include, as a minimum, the following topics:

105 (i) commitment in marriage;

106 (ii) marital fidelity;

107 (iii) effective communication and problem-solving skills, including avoiding violence
108 and abuse in the relationship;

109 (iv) effective financial management; and

110 (v) encouragement to discuss any information that could reasonably affect the decision
111 to marry.

112 (c) At least six hours of premarital education or three hours of premarital counseling
113 are required to fulfill the requirements of this section.

114 (d) Religious organizations offering formal premarital education or counseling are
115 exempt from the content requirements in Subsection (2)(b), but shall adhere to the length of
116 time requirement.

117 (e) Providers are encouraged to make use of research-based relationship inventories.

118 (3) The statement from the person who provided the premarital education or
119 counseling under Subsection (2) shall include the following:

120 "I, (name of provider), confirm that I provided (names of both parties) at least three

121 hours of premarital counseling or six hours of premarital education. I am authorized to provide
122 premarital education or counseling in accordance with Subsection 30-1-34(2)(a) Utah Code
123 Annotated, 1953."

124 (4) The names of the parties in the provider's statement shall be identical to the legal
125 names of the parties as they appear on the marriage license application. The provider's
126 statement shall be filed with the license.

127 (5) The fee for a marriage license if the couple has not completed premarital education
128 or counseling is \$65.

129 Section 6. Section **30-1-36** is amended to read:

130 **30-1-36. Activities included in premarital education.**

131 Premarital education or counseling as used in this [~~act shall~~] part may include but not
132 be limited to lectures, group [counseling,] education, online courses, relationship inventories,
133 and individual education or counseling [and testing].

134 Section 7. Section **30-1-37** is amended to read:

135 **30-1-37. Confidentiality of information obtained -- Recordkeeping -- Utah**
136 **Commission on Marriage to provide information to public.**

137 (1) Except for the information required or to be required on the marriage license
138 application form, any information given by a marriage license applicant in compliance with this
139 chapter shall be confidential information and may not be released by any person, board,
140 commission, or other entity. However, the [premarital counseling board or board of
141 commissioners] county clerk or the Utah Commission on Marriage within the Department of
142 Workforce Services may use the information, without identification of individuals, to compile
143 and release statistical data.

144 (2) The county clerk shall keep a record of the number of marriage license applicants
145 who:

146 (a) paid the reduced fee because of participation in premarital education or counseling;

147 and

148 (b) were granted an exception to the 72-hour waiting period and the reason for the
149 exception.

150 (3) The information collected under Subsection (2) shall be provided in a report to the
151 Utah Commission on Marriage no later than December 31 of each year.

152 (4) The Utah Commission on Marriage shall:

153 (a) provide information and resources to educate the public on the value of premarital
154 education and counseling;

155 (b) maintain a list of marriage and family life curricula that contain the elements
156 required in Subsection 30-1-34(2)(b) and make it available to the public;

157 (c) evaluate the effectiveness of this program based on the information provided by the
158 county clerks and other sources; and

159 (d) provide to the Judiciary, Law Enforcement and Criminal Justice Interim Committee
160 not later than October 31, 2018, and October 31, 2022, a report on the effectiveness of the
161 program in encouraging premarital counseling or education. The second report shall also
162 contain a recommendation to either sunset or continue the program.

163 Section 8. Section **30-1-39** is amended to read:

164 **30-1-39. False representation of compliance -- Infraction.**

165 Any person [~~coming within the provisions of this act~~] who falsely represents that [~~he~~]
166 the person has complied with the requirements of [~~a master plan for premarital counseling or~~
167 ~~who;~~] Section 30-1-34 or who colludes with another for the purpose of [~~evading the provisions~~
168 ~~of this act, applies for a marriage license in a county within the state of Utah which does not~~
169 ~~require premarital counseling;~~] receiving the benefit of Subsection 30-1-34(1) is guilty of [a
170 misdemeanor] an infraction.

171 Section 9. Section **63I-1-230** is amended to read:

172 **63I-1-230. Repeal dates, Title 30.**

173 Sections 30-1-30, 30-1-34, 30-1-36, 30-1-37, and 30-1-39 are repealed July 1, 2023.

174 **Section 10. Repealer.**

175 This bill repeals:

176 Section **30-1-31, Premarital counseling board in county -- Appointment, terms,**
177 **compensation, offices -- Common counseling board with adjacent county.**

178 Section **30-1-32, Master plan for counseling.**

179 Section **30-1-33, Conformity to master plan for counseling as prerequisite to**
180 **marriage license -- Exceptions.**

181 Section **30-1-35, Persons performing counseling services designated by board --**
182 **Exemption from license requirements.**

- 183 Section **30-1-38, Fee for counseling.**
- 184 Section 11. **Effective date.**
- 185 This bill takes effect on January 1, 2013.

Legislative Review Note
as of **1-16-12 6:14 PM**

Office of Legislative Research and General Counsel