

Representative Edward H. Redd proposes the following substitute bill:

MARRIAGE LICENSE AND COUNSELING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill modifies the marriage education and counseling provisions by requiring a reduction in marriage license fees for a couple who undergoes premarital education or counseling that meets specific criteria. The bill also creates a restricted account for fees collected when a couple does not undergo premarital counseling.

Highlighted Provisions:

This bill:

- ▶ creates a pilot program for counties to opt into to encourage premarital education and counseling;
- ▶ reduces the marriage license fee for a couple who undergoes premarital education or counseling;
- ▶ sets out a list of topics the premarital counseling should cover;
- ▶ creates the Marriage Education Restricted Account; and
- ▶ provides a reporting requirement.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **17-16-21**, as last amended by Laws of Utah 2013, Chapter 278

29 **30-1-30**, as enacted by Laws of Utah 1971, Chapter 64

30 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64

31 **62A-1-120**, as last amended by Laws of Utah 2014, Chapter 387

32 ENACTS:

33 **62A-1-121**, Utah Code Annotated 1953

34 REPEALS AND REENACTS:

35 **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64

36 **30-1-36**, as enacted by Laws of Utah 1971, Chapter 64

37 REPEALS:

38 **30-1-31**, as enacted by Laws of Utah 1971, Chapter 64

39 **30-1-32**, as last amended by Laws of Utah 2011, Chapter 297

40 **30-1-33**, as last amended by Laws of Utah 2011, Chapter 297

41 **30-1-35**, as last amended by Laws of Utah 2011, Chapter 297

42 **30-1-37**, as last amended by Laws of Utah 2011, Chapter 297

43 **30-1-38**, as enacted by Laws of Utah 1971, Chapter 64



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

46 Section 1. Section **17-16-21** is amended to read:

47 **17-16-21. Fees of county officers.**

48 (1) As used in this section, "county officer" means all of the county officers
49 enumerated in Section **17-53-101** except county recorders, county constables, and county
50 sheriffs.

51 (2) (a) Each county officer shall collect, in advance, for exclusive county use and
52 benefit:

53 (i) all fees established by the county legislative body under Section **17-53-211**; and

54 (ii) any other fees authorized or required by law.

55 (b) As long as the Children's Legal Defense Account is authorized by Section
56 **51-9-408**, the county clerk shall:

57 (i) assess \$10 in addition to whatever fee for a marriage license is established under
58 authority of this section; and

59 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
60 in the Children's Legal Defense Account.

61 (c) (i) As long as the Division of Child and Family Services, created in Section
62 [62A-4a-103](#), has the responsibility under Section [62A-4a-105](#) to provide services, including
63 temporary shelter, for victims of domestic violence, the county clerk shall:

64 (A) collect \$10 in addition to whatever fee for a marriage license is established under
65 authority of this section, in addition to the amount described in Subsection (2)(b), if an
66 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

67 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
68 Division of Finance for distribution to the Division of Child and Family Services for the
69 operation of shelters for victims of domestic violence.

70 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license
71 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

72 (B) An applicant for a marriage license may choose not to pay the additional \$10
73 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
74 marriage license.

75 (d) If the reduction in Subsection [30-1-34](#)(1) is not given, the county clerk shall
76 transmit \$20 from each marriage license fee to the Division of Finance for deposit into the
77 Marriage Education Fund, created in Section [62A-1-121](#).

78 (3) Each county clerk shall keep a record of the number and proportion of marriage
79 license applicants who receive the discounted license fee in Subsection (2)(d) and make the
80 data available to the Utah Marriage Commission on an annual basis.

81 [~~3~~] (4) This section does not apply to any fees currently being assessed by the state
82 but collected by county officers.

83 Section 2. Section **30-1-30** is amended to read:

84 **30-1-30. Premarital counseling -- State policy -- Applicability.**

85 It is the policy of the state of Utah to enhance the possibility of couples to achieve more
86 stable, satisfying and enduring marital and family relationships by providing opportunities for
87 and encouraging the use of premarital education or counseling prior to securing a marriage

88 license [~~by persons under 19 years of age and by persons who have been previously divorced~~].

89 Section 3. Section [30-1-34](#) is repealed and reenacted to read:

90 **30-1-34. Certificate of completion of counseling -- Reduction of license fee -- Pilot**
91 **program.**

92 (1) There is created a pilot program for premarital education and counseling that is
93 optional for all counties throughout the state. A county that elects to participate in the program
94 shall:

95 (a) commit to a full year of participation;

96 (b) follow the program as described in this section; and

97 (c) provide to the Utah Marriage Commission the information described in Subsection
98 [17-16-21\(3\)](#).

99 (2) The county clerk of any county who issues a marriage license to applicants who
100 present a certificate of completion in accordance with Subsection (2) shall reduce the fee for
101 the license by \$20.

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

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

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

108 (ii) a person authorized to solemnize marriages under Section [30-1-6](#);

109 (iii) a licensed counselor;

110 (iv) an individual certified by the National Council on Family Relations as a certified
111 family life educator;

112 (v) a Family and Consumer Sciences educator;

113 (vi) an individual who is an approved instructor of a premarital education curriculum
114 that meets the requirements of Subsection (2)(b); or

115 (vii) an online course approved by the Utah Marriage Commission.

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

118 (i) commitment in marriage;

119 (ii) the adverse effects of childhood trauma on a child's developing brain and the
 120 importance of providing a safe and nurturing environment for children;

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

123 (iv) effective financial management.

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

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

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

130 (3) The statement from the person who provided the premarital counseling under
 131 Subsection (2) shall include the following:

132 "I, (name of provider), confirm that I provided (names of both parties) at least three
 133 hours of premarital education or counseling. I am authorized to provide premarital education
 134 or counseling in accordance with Subsection 30-1-34(2)(a) Utah Code Annotated, 1953."

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

138 Section 4. Section 30-1-36 is repealed and reenacted to read:

139 **30-1-36. Activities included in premarital education or counseling.**

140 (1) Premarital education may include lectures, classes, or seminars provided by an
 141 individual meeting the requirements of Subsections 30-1-34(2)(a)(v) through (vi). Premarital
 142 education may also include an online course in accordance with Subsection 30-1-34(2)(a)(vii).

143 (2) Premarital counseling may include individual, couple, or group counseling with an
 144 individual meeting the requirements of Subsections 30-1-34(2)(a)(i) through (iv).

145 Section 5. Section 30-1-39 is amended to read:

146 **30-1-39. Violation of counseling provisions -- Misdemeanor.**

147 Any person [~~coming within the provisions of this act~~] who falsely represents that [~~he~~
 148 the person] has complied with the requirements of [~~a master plan for premarital counseling or~~
 149 who,] Section 30-1-34 or who colludes with another for the purpose of [~~evading the provisions~~

150 of this act, applies for a marriage license in a county within the state of Utah which does not
151 require premarital counseling;] receiving the benefit of Subsection [30-1-34\(1\)](#) is guilty of [a
152 misdemeanor] an infraction.

153 Section 6. Section **62A-1-120** is amended to read:

154 **62A-1-120. Utah Marriage Commission.**

155 (1) As used in this section, "commission" means the Utah Marriage Commission
156 created by this section.

157 (2) There is created within the department the "Utah Marriage Commission."

158 (3) The commission shall consist of 17 members appointed as follows:

159 (a) two members of the Senate appointed by the president of the Senate;

160 (b) two members of the House of Representatives appointed by the speaker of the
161 House of Representatives;

162 (c) six current or former representatives from marriage and family studies departments,
163 social or behavioral sciences departments, health sciences departments, colleges of law, or
164 other related and supporting departments at institutions of higher education in this state, as
165 shall be appointed by the governor;

166 (d) five representatives selected and appointed by the governor from among the
167 following groups:

168 (i) social workers who are or have been licensed under Title 58, Chapter 60, Part 2,
169 Social Worker Licensing Act;

170 (ii) psychologists who are or have been licensed under Title 58, Chapter 61,
171 Psychologist Licensing Act;

172 (iii) physicians who are or have been board certified in psychiatry and are or have been
173 licensed under Title 58, Chapter 67, Utah Medical Practice Act;

174 (iv) marriage and family therapists who are or have been licensed under Title 58,
175 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;

176 (v) representatives of faith communities;

177 (vi) public health professionals;

178 (vii) representatives of domestic violence prevention organizations; or

179 (viii) legal professionals; and

180 (e) two representatives of the general public appointed by the members of the

181 commission appointed under Subsections (3)(a) through (d).

182 (4) (a) A member appointed under Subsections (3)(c) through (e) shall serve for a term
183 of four years. A member may be appointed for subsequent terms.

184 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
185 or reappointment, adjust the length of terms to ensure that the terms of commission members
186 are staggered so that approximately half of the commission is appointed every two years.

187 (c) A commission member shall serve until a replacement is appointed and qualified.

188 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
189 appointed for the unexpired term in the same manner as the original appointment.

190 (5) (a) The commission shall annually elect a chair from its membership.

191 (b) The commission shall hold meetings as needed to carry out its duties. A meeting
192 may be held on the call of the chair or a majority of the commission members.

193 (c) Nine commission members constitute a quorum and, if a quorum exists, the action
194 of a majority of commission members present constitutes the action of the commission.

195 (6) (a) A commission member who is not a legislator may not receive compensation or
196 benefits for the commission member's service, but may receive per diem and travel expenses as
197 allowed in:

198 (i) Section [63A-3-106](#);

199 (ii) Section [63A-3-107](#); and

200 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
201 [63A-3-107](#).

202 (b) Compensation and expenses of a commission member who is a legislator are
203 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and
204 Expenses.

205 (7) The department shall staff the commission.

206 (8) The commission shall:

207 (a) promote coalitions and collaborative efforts to uphold and encourage a strong and
208 healthy culture of strong and lasting marriages and stable families;

209 (b) contribute to greater awareness of the importance of marriage and leading to
210 reduced divorce and unwed parenthood in the state;

211 (c) promote public policies that support marriage;

212 (d) promote programs and activities that educate individuals and couples on how to
 213 achieve strong, successful, and lasting marriages, including promoting and assisting in the
 214 offering of:

215 (i) events;

216 (ii) classes and services, including those designed to promote strong, healthy, and
 217 lasting marriages and prevent domestic violence;

218 (iii) marriage and relationship education conferences for the public and professionals;
 219 and

220 (iv) enrichment seminars;

221 (e) actively promote measures designed to maintain and strengthen marriage, family,
 222 and the relationships between husband and wife and parents and children; ~~and~~

223 (f) support volunteerism and private financial contributions and grants in partnership
 224 with the commission and in support of the commission's purposes and activities for the benefit
 225 of the state as provided in this section[-];

226 (g) regularly publicize information on premarital education or counseling services or
 227 classes available in the state that meet the requirements specified in Subsection 30-1-34(2); and

228 (h) administer the Marriage Education Account established in Section 62A-1-121.

229 (9) Funding for the commission shall be as approved by the Legislature through annual
 230 appropriations and the added funding sought by the commission from private contributions and
 231 grants that support the duties of the commission described in Subsection (8).

232 (10) The commission shall provide a report to the Social Services Appropriations
 233 Subcommittee during the 2019 annual General Session covering:

234 (a) the number of couples who used the program;

235 (b) percentages of participation in counties that participated in the pilot program;

236 (c) expected outcomes of the program, and whether they were met; and

237 (d) recommendations regarding the continuance of the program.

238 Section 7. Section **62A-1-121** is enacted to read:

239 **62A-1-121. Marriage Education Restricted Account.**

240 (1) There is created within the General Fund a restricted account known as the
 241 "Marriage Education ~~Œ~~→ **Restricted** ←~~Œ~~ Account."

242 (2) The restricted account shall be funded from the fee collected by the county clerk in

243 Subsection 17-16-21(2)(d).

244 (3) ~~§~~ **→ [The] Upon appropriation, the ←§** restricted account shall be used to fund,
244a support, and promote education
245 programs in accordance with Subsection 62A-1-120(8)(d).

246 (4) The restricted account may accrue interest, which shall be deposited into the
247 restricted account.

248 (5) At the close of any fiscal year, any balance in the fund in excess of \$300,000 shall
249 be transferred to the General Fund.

250 Section 8. **Repealer.**

251 This bill repeals:

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

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

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

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

259 Section **30-1-37, Confidentiality of information obtained under counseling**
260 **provisions.**

261 Section **30-1-38, Fee for counseling.**

262 Section 9. **Effective date.**

263 This bill takes effect on January 1, 2017.