

MARRIAGE REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill amends provisions pertaining to the marriage of a minor.

Highlighted Provisions:

This bill:

- ▶ extends the expiration date of a marriage license;
- ▶ describes the requirements for the form a minor and the minor's parent or guardian must submit to a county clerk;
- ▶ describes appropriate documentation a minor and the minor's parent or guardian must submit to validate certain information; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

30-1-8, as last amended by Laws of Utah 2019, Chapters 300 and 317

30-1-9, as last amended by Laws of Utah 2019, Chapters 300 and 317

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

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

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

31 (1) No marriage may be solemnized in this state without a license issued by the county
32 clerk of any county of this state.

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

35 (3) A license that is not used within [~~30 days of the date of issuance~~] 32 days after the
36 day on which the license is issued is void.

37 Section 2. Section **30-1-8** is amended to read:

38 **30-1-8. Application for license -- Contents.**

39 (1) As used in this section, "minor" means the same as that term is defined in Section
40 30-1-9.

41 [(+)] (2) A county clerk may issue a marriage license only after an application is filed
42 with the county clerk's office, requiring the following information:

43 (a) the full names of the applicants, including the maiden or bachelor name of each
44 applicant;

45 (b) the social security numbers of the applicants, unless an applicant has not been
46 assigned a number;

47 (c) the current address of each applicant;

48 (d) the date and place of birth, including the town or city, county, state or country, if
49 possible;

50 (e) the names of the applicants' respective parents, including the maiden name of a
51 mother; and

52 (f) the birthplaces of the applicants' respective parents, including the town or city,
53 county, state or country, if possible.

54 [(2)] (3) (a) If one or both of the applicants is [~~16 or 17 years of age~~] a minor, the clerk
55 shall provide [~~the parties~~] each minor with a standard petition on a form [~~approved~~] provided
56 by the Judicial Council to be presented to the juvenile court to obtain the authorization required
57 by Section 30-1-9.

- 58 (b) The form described in Subsection (3)(a) shall include:
59 (i) all information described in Subsection (2);
60 (ii) in accordance with Subsection 30-1-9(2)(a), a place for the parent or legal guardian
61 to indicate the parent or legal guardian's relationship to the minor;
62 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described
63 in Section 30-1-9.1 signed under penalty of perjury;
64 (iv) an affidavit for each applicant regarding the accuracy of the information contained
65 in the marriage application signed under penalty of perjury; and
66 (v) a place for the clerk to sign that indicates that the following have provided
67 documentation to support the information contained in the form:
68 (A) each applicant; and
69 (B) the minor's parent or legal guardian.

70 ~~[(3)]~~ (4) (a) The social security numbers obtained under the authority of this section
71 may not be recorded on the marriage license, and are not open to inspection as a part of the
72 vital statistics files.

73 (b) The Department of Health, Bureau of Vital Records and Health Statistics shall,
74 upon request, supply the social security numbers to the Office of Recovery Services within the
75 Department of Human Services.

76 (c) The Office of Recovery Services may not use a social security number obtained
77 under the authority of this section for any reason other than the administration of child support
78 services.

79 Section 3. Section 30-1-9 is amended to read:

80 **30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court**
81 **authorization.**

82 (1) For purposes of this section, "minor" means an individual that is 16 or 17 years old.

83 (2) (a) If at the time of applying for a license the applicant is a minor, and not before
84 the minor is married, a license may not be issued without the signed consent of the minor's
85 parent or legal guardian given in person to the clerk, except that:

86 (i) if the parents of the minor are divorced, consent shall be given by the parent having
87 legal custody of the minor as evidenced by an oath of affirmation to the clerk;

88 (ii) if the parents of the minor are divorced and have been awarded joint custody of the
89 minor, consent shall be given by the parent having physical custody of the minor the majority
90 of the time as evidenced by an oath of affirmation to the clerk; or

91 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the
92 consent and provide proof of guardianship by court order as well as an oath of affirmation.

93 ~~[(b) The minor and the parent or guardian of the minor shall obtain a written
94 authorization to marry from:]~~

95 ~~[(i) a judge of the court exercising juvenile jurisdiction in the county where either party
96 to the marriage resides; or]~~

97 ~~[(ii) a court commissioner as permitted by rule of the Judicial Council.]~~

98 (b) Each applicant and if an applicant is a minor, the minor's consenting parent or legal
99 guardian, shall appear in person before the clerk and provide legal documentation to establish
100 the following information:

101 (i) the legal relationship between the minor and the minor's parent or legal guardian;

102 (ii) the legal name and identity of the minor; and

103 (iii) the birth date of each applicant.

104 (c) An individual may present the following documents to satisfy a requirement
105 described in Subsection (2)(b):

106 (i) for verifying the legal relationship between the minor and the minor's parent or legal
107 guardian, one of the following:

108 (A) the minor's certified birth certificate with the name of the parent, and an official
109 translation if the birth certificate is in a language other than English;

110 (B) a report of a birth abroad with the name of the minor and the parent;

111 (C) a certified adoption decree with the name of the minor and the parent; or

112 (D) a certified court order establishing custody or guardianship between the minor and
113 the parent or legal guardian;

114 (ii) for verifying the legal name and identity of the minor, one of the following:

115 (A) an expired or current passport;

116 (B) a driver's license;

117 (C) a certificate of naturalization;

118 (D) a military identification; or

119 (E) a government employee identification card from a federal, state, or municipal

120 government; and

121 (iii) for verifying the birth date of each applicant, one of the following for each

122 applicant:

123 (A) a certified birth certificate;

124 (B) a report of a birth abroad;

125 (C) a certificate of naturalization;

126 (D) a certificate of citizenship;

127 (E) a passport;

128 (F) a driver's license; or

129 (G) a state identification card.

130 (d) An individual may not use a temporary or altered document to satisfy a requirement

131 described in Subsection (2)(b).

132 (3) (a) The minor and the parent or legal guardian of the minor shall obtain a written

133 authorization to marry from:

134 (i) a judge of the court exercising juvenile jurisdiction in the county where either party

135 to the marriage resides; or

136 (ii) a court commissioner as permitted by rule of the Judicial Council.

137 ~~[(3)-(a)]~~ (b) Before issuing written authorization for a minor to marry, the judge or

138 court commissioner shall determine:

139 (i) that the minor is entering into the marriage voluntarily; and

140 (ii) the marriage is in the best interests of the minor under the circumstances.

141 ~~[(b)]~~ (c) The judge or court commissioner shall require that both parties to the marriage

142 complete premarital counseling, except the requirement for premarital counseling may be
143 waived if premarital counseling is not reasonably available.

144 ~~[(c)]~~ (d) The judge or court commissioner may require:

145 (i) that the minor continue to attend school, unless excused under Section [53G-6-204](#);

146 and

147 (ii) any other conditions that the court deems reasonable under the circumstances.

148 ~~[(d)]~~ (e) The judge or court commissioner may not issue a written authorization to the
149 minor if the age difference between both parties to the marriage is more than seven years.

150 (4) (a) The determination required in Subsection (3) shall be made on the record.

151 (b) Any inquiry conducted by the judge or commissioner may be conducted in
152 chambers.