

1                                   **PREMARITAL EDUCATION AMENDMENTS**

2                                   1999 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Sponsor: Carl R. Saunders**

5 AN ACT RELATING TO HUSBAND AND WIFE; AMENDING THE PREMARITAL  
6 COUNSELING STATUTE TO PROVIDE FOR THE COUNTY GOVERNING BODIES TO  
7 REQUIRE PREMARITAL EDUCATION BEFORE THE ISSUANCE OF A MARRIAGE  
8 LICENSE; ALLOWING COUNTY PREMARITAL EDUCATION BOARDS TO SET  
9 STANDARDS AND IMPLEMENT PREMARITAL EDUCATION; PROVIDING A PENALTY  
10 FOR VIOLATING THE REQUIREMENTS; AND APPROPRIATING \$7,500 TO THE  
11 GOVERNOR'S COMMISSION ON MARRIAGE FOR THE PRODUCTION OF A VIDEO ON  
12 MARRIAGE.

13 This act affects sections of Utah Code Annotated 1953 as follows:

14 AMENDS:

15           **30-1-30**, as enacted by Chapter 64, Laws of Utah 1971

16           **30-1-31**, as enacted by Chapter 64, Laws of Utah 1971

17           **30-1-32**, as last amended by Chapter 227, Laws of Utah 1993

18           **30-1-33**, as enacted by Chapter 64, Laws of Utah 1971

19           **30-1-34**, as enacted by Chapter 64, Laws of Utah 1971

20           **30-1-35**, as enacted by Chapter 64, Laws of Utah 1971

21           **30-1-36**, as enacted by Chapter 64, Laws of Utah 1971

22           **30-1-37**, as enacted by Chapter 64, Laws of Utah 1971

23           **30-1-38**, as enacted by Chapter 64, Laws of Utah 1971

24           **30-1-39**, as enacted by Chapter 64, Laws of Utah 1971

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

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

27           **30-1-30. Premarital education -- State policy -- Applicability.**

28 It is the policy of the state [~~of Utah~~] to enhance the possibility of couples to achieve more  
29 stable, satisfying, and enduring marital and family relationships by providing opportunities for and  
30 encouraging the use of premarital [~~counseling~~] education prior to securing a marriage license [~~by~~  
31 ~~persons under 19 years of age and by persons who have been previously divorced~~]. In doing so,  
32 the state hopes to lower the divorce rate and curtail the rate of domestic violence and child abuse.

33 Section 2. Section **30-1-31** is amended to read:

34 **30-1-31. Premarital education board in county -- Appointment, terms, compensation,**  
35 **offices -- Common counseling board with adjacent county.**

36 (1) The [~~boards of commissioners~~] governing bodies of the respective counties in this state  
37 are authorized to provide for premarital [~~counseling~~] education and to require the use of premarital  
38 [~~counseling~~] education as a condition precedent to the issuance of a marriage license under the  
39 provisions of this [~~act~~] chapter. [~~They~~]

40 (2) The governing body may appoint a premarital [~~counseling~~] education board consisting  
41 of seven members, four of whom shall be lay persons and three of whom shall be chosen from  
42 [~~the~~] family-related professions [~~of~~] such as psychiatry, psychology, social work, marriage  
43 counseling, the clergy, law, or medicine. [~~They~~] It may designate the terms of office and the  
44 procedures to be followed by the premarital [~~counseling~~] education board [~~and~~], provide for  
45 payment of compensation and expenses for members[~~. They may~~], pay the salaries and expenses  
46 of a counseling staff under the supervision of the premarital counseling board, and provide office  
47 space, furnishings, equipment, and supplies for their use as needed.

48 (3) A county may join with an adjacent county or counties in forming a common  
49 premarital [~~counseling~~] education board and in establishing a common master plan for premarital  
50 [~~counseling~~] education.

51 Section 3. Section **30-1-32** is amended to read:

52 **30-1-32. Master plan for premarital education.**

53 (1) [~~It shall be the function and duty of the~~] The premarital [~~counseling~~] education board  
54 shall, after holding public hearings, [~~to~~] make, adopt, and certify to the county legislative body a  
55 master plan for premarital [~~counseling~~] education of marriage license applicants within the  
56 purposes and objectives of this [~~act~~] chapter. Premarital education may include instruction on  
57 conflict resolution, communication skills, financial responsibilities, children and parenting, and  
58 data on the problems married couples may face. The master plan shall include[, ~~but not be limited~~

59 to, ~~counseling~~] educational procedures which will make applicants aware of problem areas in their  
 60 proposed marriage and [~~suggest~~] suggestions on ways of meeting problems and which will induce  
 61 reconsideration or postponement where the applicants are not sufficiently matured [~~or are~~], not  
 62 financially capable of meeting the responsibilities of marriage, or are marrying for reasons not  
 63 conducive to a sound and lasting marriage.

64 (2) The plan shall include standards for evaluating premarital [~~counseling~~] education  
 65 received by the applicants, prior to their application for a marriage license, which would justify  
 66 issuance of certificate without further [~~counseling~~] education being given or required.

67 (3) The board may, from time to time, amend or extend the plan.

68 (4) In addition, premarital education shall include a video orientation prepared under the  
 69 direction of the Governor's Marriage Commission and given to the counties for viewing by  
 70 prospective applicants for a marriage license. The video will explain the state's expectation of the  
 71 marriage contract, including the couple's legal relationship to the state, property and inheritance  
 72 rights, tax liabilities, the duty of parents to support their children, and the state's response to the  
 73 unacceptable and prosecutable practices of family violence, including domestic violence or spouse  
 74 abuse, child abuse, and elder abuse.

75 (5) The premarital [~~counseling~~] education board may appoint a staff and employees [~~as~~  
 76 ~~may be~~] necessary for its work and may contract with public and private social service agencies  
 77 or other consultants within the county or counties for services it requires[~~, providing, its~~]. Its  
 78 expenditures shall not exceed [~~the~~] sums appropriated to it by the county legislative body plus  
 79 sums placed at its disposal through gift or otherwise.

80 Section 4. Section **30-1-33** is amended to read:

81 **30-1-33. Conformity to master plan for education as prerequisite to marriage license**  
 82 **-- Exceptions.**

83 [~~Whenever~~] If the board of commissioners of a county has adopted a master plan for  
 84 premarital [~~counseling no~~] education, a resident of the county may not obtain a marriage license  
 85 without conforming to the plan, except that:

86 (1) Any person who applies for a marriage license shall have the right to secure the license  
 87 and to marry notwithstanding their failure to conform to the required premarital [~~counseling~~]  
 88 education or their failure to obtain a certificate of authorization from the premarital [~~counseling~~]  
 89 education board if they wait six months from the date of application for issuance of the license.

90           ~~[(2) This act shall not apply to any application for a marriage license where both parties~~  
91           ~~are at least 19 years of age and neither has been previously divorced.]~~

92           [(3)] (2) This [act] chapter shall not apply to any application for a marriage license unless  
93           both applicants have physically resided in the state of Utah for 60 days immediately preceding their  
94           application.

95           [(4)] (3) Premarital [counseling] education required by this [act] chapter shall be [deemed]  
96           considered fulfilled if the applicants present a certificate provided by the county or a letter verified  
97           by a [clergyman] clergy person that the applicants have completed a course of premarital  
98           [counseling approved by his] education offered by a church and given by or under the supervision  
99           of the [clergyman] clergy person.

100           (4) If approval by a court and the custodial parent or guardian for a person under the age  
101           of 16 to be married is required, that person may not be excused from premarital education under  
102           the exceptions in Subsections (1) or (2).

103           Section 5. Section **30-1-34** is amended to read:

104           **30-1-34. Certificate of completion of education.**

105           The county clerk of any county which has adopted this [act] chapter shall issue a marriage  
106           license to those applicants who come within the premarital [counseling] education requirements  
107           of this [act] chapter when the applicants present a certificate from the premarital [counseling]  
108           education board that the [counseling] education has been completed or has been found to be  
109           adequate if the license application otherwise conforms to the requirements for issuance of a  
110           marriage license. ~~[For those applicants who would otherwise need approval of the district court~~  
111           ~~in order to marry, the certificate shall take the place of court consent if the parents, guardian or~~  
112           ~~custodial parent of the applicant have given their consent to the marriage.]~~

113           Section 6. Section **30-1-35** is amended to read:

114           **30-1-35. Persons performing education services designated by board -- Exemption**  
115           **from license requirements.**

116           For the purposes of this [act] chapter the premarital [counseling] education board of each  
117           county or combination of counties may determine those persons who are to perform any services  
118           under this [act] chapter and any person so acting [shall] may not be subject to prosecution or other  
119           sanctions for his failure to hold any license for these services as may be required by the laws of the  
120           state [of Utah].

121 Section 7. Section **30-1-36** is amended to read:

122 **30-1-36. Activities included in premarital education.**

123 Premarital [counseling] education as used in this [act] chapter shall include [but not be  
124 limited to] academic premarital education classes, lectures, group [counseling] education,  
125 individual education counseling [and testing], and taking of a premarital inventory.

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

127 **30-1-37. Confidentiality of information obtained under education provisions.**

128 Except for the information required or to be required on the marriage license application  
129 form, any information given by a marriage license applicant in compliance with this [act] chapter  
130 shall be confidential information and [shall] may not be released by any person, board,  
131 commission, or other entity. However, the premarital [counseling] education board or board of  
132 commissioners may use the information, without identification of individuals, to compile and  
133 release statistical data.

134 Section 9. Section **30-1-38** is amended to read:

135 **30-1-38. Fee for counseling.**

136 (1) Any county adopting a master plan under this [act] chapter is authorized to charge, in  
137 addition to its ordinary marriage license application fees, not more than [\$10] \$30 for premarital  
138 [counseling] education, to be paid by the applicants at the time they make the application. At the  
139 time of application, all but \$15 of the premarital education fee will be waived if the couple presents  
140 a certificate of completion of education to the clerk.

141 (2) The remaining fee for the education may be retained by the county to continue to fund  
142 premarital education.

143 (3) The county clerk may at any time, due to financial hardship of the applicants, waive  
144 any or all of the premarital education fee.

145 Section 10. Section **30-1-39** is amended to read:

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

147 Any person coming within the provisions of this [act] chapter who falsely represents that  
148 he has complied with the requirements of a master plan for premarital [counseling] education or  
149 who, for the purpose of evading the provisions of this [act] chapter, applies for a marriage license  
150 in a county within the state [of Utah] which does not require premarital [counseling] education,  
151 is guilty of a misdemeanor.

152           Section 11. **Appropriation.**  
153           Except as provided in H.B. 4, Appropriations Coordination Act, there is appropriated from  
154 the General Fund for fiscal year 1999-2000, \$7,500 to the Governor's Commission on Marriage  
155 for the production of the video described in Section 30-1-32.

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**Legislative Review Note**  
**as of 1-13-99 11:54 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**