

Representative Carl R. Saunders proposes to substitute the following bill:

PREMARITAL EDUCATION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

AN ACT RELATING TO HUSBAND AND WIFE; AMENDING THE PREMARITAL COUNSELING STATUTE TO PROVIDE FOR THE COUNTY GOVERNING BODIES TO PROVIDE PREMARITAL EDUCATION BEFORE THE ISSUANCE OF A MARRIAGE LICENSE; ALLOWING COUNTY PREMARITAL EDUCATION BOARDS TO SET STANDARDS AND IMPLEMENT PREMARITAL EDUCATION; APPROPRIATING \$7,500 TO THE DEPARTMENT OF HUMAN SERVICES FOR THE PRODUCTION OF A VIDEO ON MARRIAGE; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

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

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

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

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

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

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

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

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

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

ENACTS:

30-1-40, Utah Code Annotated 1953

REPEALS:

26 **30-1-39**, as enacted by Chapter 64, Laws of Utah 1971

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

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

29 **30-1-30. Premarital education -- State policy -- Applicability.**

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

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

38 **30-1-31. Premarital education board in county -- Appointment, terms, compensation,**
39 **offices -- Common counseling board with adjacent county.**

40 (1) The [~~boards of commissioners~~] governing bodies of the respective counties in this state
41 are authorized to encourage and provide [~~for~~] premarital [~~counseling and~~] education to [~~require~~
42 ~~the use of premarital counseling as a condition precedent to~~] couples before the issuance of a
43 marriage license under the provisions of this [~~act~~] chapter. [~~They~~]

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

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

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

56 **30-1-32. Master plan for premarital education.**

57 (1) ~~[It shall be the function and duty of the]~~ The premarital [counseling] education board
 58 shall, after holding public hearings, [to] make, adopt, and certify to the county legislative body a
 59 master plan for premarital [counseling] education of marriage license applicants within the
 60 purposes and objectives of this [act] chapter. Premarital education may include instruction on
 61 conflict resolution, communication skills, financial responsibilities, children and parenting, and
 62 data on the problems married couples may face. The master plan shall include~~[-but not be limited~~
 63 ~~to, counseling] educational~~ procedures which will make applicants aware of potential problem
 64 areas in their proposed marriage and ~~[suggest]~~ suggestions on ways of meeting problems and
 65 which will induce reconsideration or postponement where the applicants are not sufficiently
 66 matured ~~[or are]~~, not financially capable of meeting the responsibilities of marriage, or are
 67 marrying for reasons not conducive to a sound and lasting marriage.

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

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

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

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

78 **30-1-33. Premarital education by clergy -- Requirements if person is under 18.**

79 ~~[Whenever the board of commissioners of a county has adopted a master plan for~~
 80 ~~premarital counseling no resident of the county may obtain a marriage license without conforming~~
 81 ~~to the plan, except that:]~~

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

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

88 ~~[(3) This act shall not apply to any application for a marriage license unless both~~
89 ~~applicants have physically resided in the state of Utah for 60 days immediately preceding their~~
90 ~~application.]~~

91 ~~[(4)]~~ (1) Premarital ~~[counseling required by this act]~~ education shall be ~~[deemed fulfilled]~~
92 considered completed if the applicants present a certificate provided by the county, or a letter
93 verified by a ~~[clergyman]~~ clergy person that the applicants have completed a course of premarital
94 ~~[counseling approved by his]~~ education offered by a church and given by or under the supervision
95 of the ~~[clergyman]~~ clergy person.

96 (2) If permission from a court or the custodial parent or guardian for a person under the
97 age of 18 to be married is required, and the county has adopted a premarital education plan, the
98 couple shall complete a premarital education course. This requirement may be waived by the
99 board if premarital education is not reasonably available.

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

101 **30-1-34. Certificate of completion of education.**

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

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

111 **30-1-35. Persons performing education services designated by board -- Exemption**
112 **from license requirements.**

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

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

119 **30-1-36. Activities included in premarital education.**

120 Premarital ~~[counseling]~~ education as used in this ~~[act-shall]~~ chapter may include ~~[but not~~
121 ~~be limited to]~~ classes based upon current marriage and divorce statistics and research, lectures,
122 group ~~[counseling]~~ education, individual ~~[counseling and testing]~~ education, and taking of a
123 premarital inventory.

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

125 **30-1-37. Confidentiality of information obtained under education provisions.**

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

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

133 **30-1-38. Fee for counseling.**

134 (1) Any county adopting a master plan under this [act] chapter is authorized to [charge;
135 in addition to] increase its ordinary marriage license application fees[;] not more than [\$10 for] \$30
136 to fund its premarital [counseling, to be paid by the applicants at the time they make application.]
137 education program. The county may provide for a waiver of a portion of the fee if the couple
138 presents a certificate of completion of premarital education to the clerk.

139 (2) The county clerk may at any time, due to financial hardship of the applicants, waive
140 any or all of the portion of the fee waivable under Subsection (1).

141 Section 10. Section **30-1-40** is enacted to read:

142 **30-1-40. Video orientation.**

143 (1) A video orientation prepared under the direction of the Governor's Commission on
144 Marriage will be given to the counties for viewing by prospective applicants for a marriage license.
145 The video will include the duty of parents to support their children, and the state's response to the
146 unacceptable and prosecutable practices of family violence, including domestic violence or spouse
147 abuse, child abuse, and elder abuse.

148 (2) Beginning January 1, 2000, the video orientation shall be required viewing for all
149 couples applying for a marriage license, whether or not the county has adopted a master plan for

150 premarital education.

151 Section 11. **Repealer.**

152 This act repeals:

153 Section **30-1-39, Violation of counseling provisions -- Misdemeanor.**

154 Section 12. **Appropriation.**

155 Except as provided in H.B. 4, Appropriations Coordination Act, there is appropriated from

156 the General Fund for fiscal year 1999-2000, \$7,500 to the Office of the Executive Director,

157 Department of Human Services, to be used by the Governor's Commission on Marriage for the

158 production of the video described in Section 30-1-40.

159 Section 13. **Effective date.**

160 This act takes effect on July 1, 1999.