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SOVEREIGN MARRIAGE AUTHORITY

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill declares that the state has authority over domestic relations within the state.

Highlighted Provisions:

This bill:

► declares that the state, while recognizing and complying with judicial requirements, reserves the right to regulate domestic relations within the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30-1-.5, Utah Code Annotated 1953

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

Section 1. Section **30-1-.5** is enacted to read:

30-1-.5. Sovereign marriage authority.

(1) The state of Utah holds and reserves the sovereign right to decide all matters constituting and relating to its domestic relations laws and public policies.

(2) The United States Constitution does not delegate any authority to the federal



28 government of the United States on the subject of marriage and divorce.
29 (3) If, and to the extent, judicial decisions require action that is contrary to or
30 inconsistent with the democratic process and the state's time honored and enduring sovereign
31 marriage authority, such decisions shall be narrowly construed and applied. The state may
32 defer and comply with such decisions, but compliance does not negate or diminish the state's
33 continuing full reservation and exercise of sovereign authority at all times as recognized and
34 provided in Section [63G-16-101](#), nor does it compel or require changes in other areas of the
35 law including child welfare and adoption. A child has a protected right to be reared by the
36 child's natural parents as recognized and provided in Section [62A-4a-201](#).

Legislative Review Note
Office of Legislative Research and General Counsel