

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

- (1) For purposes of this section, "minor" means a male or female under 18 years of age.
- (2)
  - (a) If at the time of applying for a license the applicant is a minor, and not before married, a license may not be issued without the signed consent of the minor's father, mother, or guardian given in person to the clerk; however:
    - (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;
    - (ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or
    - (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.
  - (b) If the male or female is 15 years of age, the minor and the parent or guardian of the minor shall obtain a written authorization to marry from:
    - (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or
    - (ii) a court commissioner as permitted by rule of the Judicial Council.
- (3)
  - (a) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:
    - (i) that the minor is entering into the marriage voluntarily; and
    - (ii) the marriage is in the best interests of the minor under the circumstances.
  - (b) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling. This requirement may be waived if premarital counseling is not reasonably available.
  - (c) The judge or court commissioner may require:
    - (i) that the person continue to attend school, unless excused under Section 53A-11-102; and
    - (ii) any other conditions that the court deems reasonable under the circumstances.
- (4) The determination required in Subsection (3) shall be made on the record. Any inquiry conducted by the judge or commissioner may be conducted in chambers.

Amended by Chapter 1, 2000 General Session