

Chapter 1 Marriage

Renumbered 9/1/2024

30-1-1 Incestuous marriages void.

- (1) The following marriages are incestuous and void from the beginning, regardless of whether the relationship is legally recognized:
 - (a) marriages between parents and children;
 - (b) marriages between ancestors and descendants of every degree;
 - (c) marriages between siblings of the half as well as the whole blood;
 - (d) marriages between:
 - (i) uncles and nieces or nephews; or
 - (ii) aunts and nieces or nephews;
 - (e) marriages between first cousins, except as provided in Subsection (2); or
 - (f) marriages between any individuals related to each other within and not including the fifth degree of consanguinity computed according to the rules of the civil law, except as provided in Subsection (2).
- (2) First cousins may marry under the following circumstances:
 - (a) both parties are 65 years of age or older; or
 - (b) if both parties are 55 years of age or older, upon a finding by the district court, located in the district in which either party resides, that either party is unable to reproduce.

Amended by Chapter 217, 2022 General Session

Renumbered 9/1/2024

30-1-2 Marriages prohibited and void.

- (1) The following marriages are prohibited and declared void:
 - (a) when there is a spouse living, from whom the individual marrying has not been divorced;
 - (b) except as provided in Subsection (2), when an applicant is under 18 years old; and
 - (c) between a divorced individual and any individual other than the one from whom the divorce was secured until the divorce decree becomes absolute, and, if an appeal is taken, until after the affirmance of the decree.
- (2) A marriage of an individual under 18 years old is not void if the individual:
 - (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section 30-1-9; or
 - (b) lawfully marries before May 14, 2019.

Amended by Chapter 300, 2019 General Session

Amended by Chapter 317, 2019 General Session

Renumbered 9/1/2024

30-1-2.1 Validation of marriage to a person subject to chronic epileptic fits who had not been sterilized.

All marriages, otherwise valid and legal, contracted prior to the effective date of this act, to which either party was subject to chronic epileptic fits and who had not been sterilized, as provided by law, are hereby validated and legalized in all respects as though such marriages had been duly and legally contracted in the first instance.

Enacted by Chapter 41, 1963 General Session

Renumbered 9/1/2024

30-1-2.3 Validation of marriage to a person with acquired immune deficiency syndrome or other sexually transmitted disease.

Each marriage contracted prior to October 21, 1993, is valid and legal but for the prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection 30-1-2(1) regarding persons afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea, is hereby valid and made lawful in all respects as though that marriage had been legally contracted in the first instance.

Amended by Chapter 20, 1995 General Session

Renumbered 9/1/2024

30-1-2.4 Recognition and validation of a marriage regardless of the race, ethnicity, or national origin of the parties.

(1) As used in this section:

- (a) "Eligible couple" means two individuals that may legally marry each other in this state.
- (b) "Specified characteristic" means the race, ethnicity, or national origin of a party to the marriage.

(2) Regardless of the date of the marriage, a marriage between two individuals may not be deemed invalid or prohibited because of a specified characteristic.

(3) The office of a county clerk may not refuse to issue a marriage license to an eligible couple because of a specified characteristic.

- (4)
- (a) The office of a county clerk may not refuse to solemnize the marriage of an eligible couple because of a specified characteristic.
 - (b) Subsection (4)(a) does not prevent a county clerk from delegating or deputizing another individual to solemnize a marriage in accordance with Subsections 17-20-4(2) and 30-1-6(2)(l).

Enacted by Chapter 325, 2024 General Session

Renumbered 9/1/2024

30-1-3 Legal recognition of a child when marriage is void.

When a marriage is void under Subsection 30-1-2(1)(a) and the parties entered into the marriage in good faith, a child of the marriage, who is born or conceived before the parties had actual knowledge that the marriage was void, shall be legally recognized as the child of the parties.

Repealed and Re-enacted by Chapter 217, 2022 General Session

Renumbered 9/1/2024

30-1-4 Validity of foreign marriages -- Exceptions.

A marriage solemnized in any other country, state, or territory, if valid where solemnized, is valid in this state, unless it is a marriage:

- (1) that would be prohibited and declared void in this state, under Subsection 30-1-2(1) (a); or

- (2) between parties who are related to each other within and including three degrees of consanguinity, except as provided in Subsection 30-1-1(2).

Amended by Chapter 300, 2019 General Session

Renumbered 9/1/2024

30-1-4.1 Marriage recognition policy.

- (1)
 - (a) It is the policy of this state to recognize as marriage only the legal union of a man and a woman as provided in this chapter.
 - (b) Except for the relationship of marriage between a man and a woman recognized pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law creating any legal status, rights, benefits, or duties that are substantially equivalent to those provided under Utah law to a man and a woman because they are married.
- (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties that are enforceable independently of this section.

Enacted by Chapter 261, 2004 General Session

Renumbered 9/1/2024

30-1-4.5 Validity of marriage not solemnized.

- (1) A marriage which is not solemnized according to this chapter shall be legal and valid if a court or administrative order establishes that the marriage arises out of a contract between a man and a woman who:
 - (a) are of legal age and capable of giving consent;
 - (b) are legally capable of entering a solemnized marriage under the provisions of this chapter;
 - (c) have cohabited;
 - (d) mutually assume marital rights, duties, and obligations; and
 - (e) who hold themselves out as and have acquired a uniform and general reputation as husband and wife.
- (2)
 - (a) A petition for an unsolemnized marriage shall be filed during the relationship described in Subsection (1), or within one year following the termination of that relationship.
 - (b) Evidence of a marriage recognizable under this section may be manifested in any form, and may be proved under the same general rules of evidence as facts in other cases.

Amended by Chapter 186, 2021 General Session

Repealed 9/1/2024

30-1-5 Marriage solemnization -- Before unauthorized person -- Validity.

- (1) A marriage solemnized before a person professing to have authority to perform marriages may not be invalidated for lack of authority, if consummated in the belief of the parties or either of them that the person had authority and that they have been lawfully married.
- (2) Except as otherwise explicitly provided by law, this section may not be construed to validate a marriage that:
 - (a) is prohibited or void under Section 30-1-2; or
 - (b) fails to meet the requirements of Section 30-1-7, as validated by a court with jurisdiction.

Amended by Chapter 424, 2024 General Session

Renumbered 9/1/2024

30-1-6 Who may solemnize marriages -- Certificate.

- (1) As used in this section:
 - (a) "Judge or magistrate of the United States" means:
 - (i) a justice of the United States Supreme Court;
 - (ii) a judge of a court of appeals;
 - (iii) a judge of a district court;
 - (iv) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;
 - (v) a judge of a bankruptcy court;
 - (vi) a judge of a tax court; or
 - (vii) a United States magistrate.
 - (b)
 - (i) "Native American spiritual advisor" means an individual who:
 - (A) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and
 - (B) is recognized as a spiritual advisor by a federally recognized Native American tribe.
 - (ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.
- (2) The following individuals may solemnize a marriage:
 - (a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;
 - (b) a Native American spiritual advisor;
 - (c) the governor;
 - (d) the lieutenant governor;
 - (e) the state attorney general;
 - (f) the state treasurer;
 - (g) the state auditor;
 - (h) a mayor of a municipality or county executive;
 - (i) a justice, judge, or commissioner of a court of record;
 - (j) a judge of a court not of record of the state;
 - (k) a judge or magistrate of the United States;
 - (l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;
 - (m) a senator or representative of the Utah Legislature;
 - (n) a member of the state's congressional delegation; or
 - (o) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.
- (3) An individual authorized under Subsection (2) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:
 - (a) name of the county from which the license is issued; and
 - (b) date of the license's issuance.
- (4) Except for an individual described in Subsection (2)(l), an individual described in Subsection (2) has discretion to solemnize a marriage.

- (5) Except as provided in Section 17-20-4 and Subsection (2)(l), and notwithstanding any other provision in law, no individual authorized under Subsection (2) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.

Amended by Chapter 444, 2022 General Session

Renumbered 9/1/2024

30-1-7 Marriage licenses -- Use within state -- Solemnization requirements -- Expiration.

- (1) A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.
- (2)
- (a) A license issued within this state by a county clerk may only be used within this state.
 - (b) A license is considered used within this state if the officiant is physically present in the state at the time of solemnization of the marriage.
- (3) A marriage is considered solemnized if:
- (a) the parties to the marriage have a valid marriage license;
 - (b) each party to the marriage willingly, and without duress, declares their intent to enter into the marriage;
 - (c) each party to the marriage has filed all required affidavits with the county clerk that issued the marriage license as required under Subsection 30-1-10(1);
 - (d) an officiant pronounces the parties as married; and
 - (e) at least two individuals 18 years old or older witness the declarations of intent and the pronouncement.
- (4) A license that is not used within 32 days after the day on which the license is issued is invalid.

Amended by Chapter 424, 2024 General Session

Renumbered 9/1/2024

30-1-8 Application for license -- Contents -- Power of attorney not permitted.

- (1) As used in this section, "minor" means the same as that term is defined in Section 30-1-9.
- (2) A county clerk may issue a marriage license only after:
- (a) an application is filed with the county clerk's office, requiring the following information:
 - (i) the full names of the applicants, including the maiden or bachelor name of each applicant;
 - (ii) the social security numbers of the applicants, unless an applicant has not been assigned a number;
 - (iii) the current address of each applicant;
 - (iv) the date and place of birth, including the town or city, county, state or country, if possible;
 - (v) the names of the applicants' respective parents, including the maiden name of a mother;
 - (vi) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible; and
 - (vii) the age, legal name, and identity of each applicant is verified.
- (3) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- (4)
- (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 30-1-9.
 - (b) The form described in Subsection (4)(a) shall include:

- (i) all information described in Subsection (2)(b);
 - (ii) in accordance with Subsection 30-1-9(2)(a), a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor;
 - (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 30-1-9.1 signed under penalty of perjury;
 - (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and
 - (v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:
 - (A) each applicant; and
 - (B) the minor's parent or legal guardian.
- (5)
- (a) The social security numbers obtained under the authority of this section may not be recorded on the marriage license, and are not open to inspection as a part of the vital statistics files.
 - (b) The Department of Health and Human Services, Office of Vital Records and Statistics shall, upon request, supply the social security numbers to the Office of Recovery Services within the Department of Health and Human Services.
 - (c) The Office of Recovery Services may not use a social security number obtained under the authority of this section for any reason other than the administration of child support services.

Amended by Chapter 424, 2024 General Session

Renumbered 9/1/2024

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

- (1) For purposes of this section, "minor" means an individual that is 16 or 17 years old.
- (2)
 - (a) If at the time of applying for a license the applicant is a minor, and not before the minor is married, a license may not be issued without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:
 - (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) Each applicant and if an applicant is a minor, the minor's consenting parent or legal guardian, shall appear in person before the clerk and provide legal documentation to establish the following information:
 - (i) the legal relationship between the minor and the minor's parent or legal guardian;
 - (ii) the legal name and identity of the minor; and
 - (iii) the birth date of each applicant.
 - (c) An individual may present the following documents to satisfy a requirement described in Subsection (2)(b):
 - (i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:
 - (A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;

- (B) a report of a birth abroad with the name of the minor and the parent;
 - (C) a certified adoption decree with the name of the minor and the parent; or
 - (D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;
 - (ii) for verifying the legal name and identity of the minor, one of the following:
 - (A) an expired or current passport;
 - (B) a driver's license;
 - (C) a certificate of naturalization;
 - (D) a military identification;
 - (E) a state identification card; or
 - (F) a government employee identification card from a federal, state, or municipal government; and
 - (iii) for verifying the birth date of each applicant, one of the following for each applicant:
 - (A) a certified birth certificate;
 - (B) a report of a birth abroad;
 - (C) a certificate of naturalization;
 - (D) a certificate of citizenship;
 - (E) a passport;
 - (F) a driver's license; or
 - (G) a state identification card.
 - (d) An individual may not use a temporary or altered document to satisfy a requirement described in Subsection (2)(b).
- (3)
- (a) The minor and the parent or legal 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.
 - (b) 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.
 - (c) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.
 - (d) The judge or court commissioner may require:
 - (i) that the minor continue to attend school, unless excused under Section 53G-6-204; and
 - (ii) any other conditions that the court deems reasonable under the circumstances.
 - (e) The judge or court commissioner may not issue a written authorization to the minor if the age difference between both parties to the marriage is more than seven years.
- (4)
- (a) The determination required in Subsection (3) shall be made on the record.
 - (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.

Amended by Chapter 424, 2024 General Session

Repealed 9/1/2024

30-1-9.1 Parental consent to prohibited marriage of minor -- Penalty.

A parent or guardian who knowingly consents or allows a minor child to enter into a marriage prohibited by law is guilty of a third degree felony.

Enacted by Chapter 129, 2001 General Session

Repealed 9/1/2024

30-1-10 Affidavit before the clerk -- Criminal penalty.

- (1) A county clerk may not issue a license until the county clerk receives:
 - (a) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
 - (b) if one of the parties to the marriage will not be physically present in the state at the time of solemnization of the marriage, an affidavit from each party applying for the marriage license, stating that that party consents to personal jurisdiction of the state, and the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.
- (2) A county clerk shall file and preserve each affidavit provided under this section.
- (3) A party who makes an affidavit described in Subsection (1), or a subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

Amended by Chapter 424, 2024 General Session

Repealed 9/1/2024

30-1-11 Return of license after ceremony -- Penalty for failure to return -- Criminal penalty for false statement.

- (1) The individual solemnizing the marriage shall within 30 days after solemnizing the marriage return the license to the clerk of the county that issues the license, with a certificate of the marriage over the individual's signature, giving the date and place of celebration and the names of two or more witnesses present at the marriage.
- (2) An individual described in Subsection (1) who fails to return the license is guilty of an infraction.
- (3) An individual described in Subsection (1) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

Amended by Chapter 424, 2024 General Session

Renumbered 9/1/2024

30-1-12 Clerk to file license and certificate -- Designation as vital record.

- (1)
 - (a) The license, together with the certificate of the individual officiating at the marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk in a book kept for that purpose, or by electronic means.
 - (b) The record shall be properly indexed in the names of the parties so married.
- (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a marriage license.
- (3) A transcript shall be promptly certified and transmitted by the clerk to the state registrar of vital statistics.

- (4) The license and the certificate of the individual officiating at the marriage are vital records as defined in Section 26B-8-101 and are subject to the inspection requirements described in Section 26B-8-125.

Amended by Chapter 327, 2023 General Session

Repealed 9/1/2024

30-1-13 Solemnization without license -- Penalty.

If an individual knowingly solemnizes a marriage without a license, and if either party is 16 or 17 years old, without a written authorization from a juvenile court, the individual is guilty of a third degree felony.

Amended by Chapter 300, 2019 General Session

Repealed 9/1/2024

30-1-14 Acting without authority -- Penalty.

An individual is guilty of a third degree felony if the individual:

- (1) knowingly solemnizes a marriage in violation of Section 30-1-6, 30-1-7, or 30-1-9.1;
- (2) impersonates a parent or guardian of a minor to obtain a license for the minor to marry; or
- (3) forges the name of a parent or guardian of a minor on any writing purporting to give consent to a marriage of a minor.

Amended by Chapter 300, 2019 General Session

Repealed 9/1/2024

30-1-15 Solemnization of prohibited marriage -- Penalty.

- (1) Any person who knowingly, with or without a license, solemnizes a marriage of a minor prohibited by law is guilty of a third degree felony.
- (2) Any person who knowingly, with or without a license, solemnizes a marriage between two adults prohibited by law is guilty of a class A misdemeanor.

Amended by Chapter 129, 2001 General Session

Repealed 9/1/2024

30-1-16 Misconduct of county clerk -- Penalty.

Every clerk or deputy clerk who knowingly issues a license for any prohibited marriage is guilty of a class A misdemeanor.

Amended by Chapter 108, 2013 General Session

Renumbered 9/1/2024

30-1-17 Action to determine validity of marriage -- Judgment of validity or annulment.

When there is doubt as to the validity of a marriage, either party may, in a court of equity in a county where either party is domiciled, demand avoidance or affirmance of the marriage, but when one of the parties was under 18 years old at the time of the marriage, the other party, being of proper age, does not have a proceeding for that cause against the party under 18 years old. The judgment in the action shall either declare the marriage valid or annulled and shall be conclusive upon all persons concerned with the marriage.

Amended by Chapter 300, 2019 General Session

Renumbered 9/1/2024

30-1-17.1 Annulment -- Grounds for.

A marriage may be annulled for any of the following causes existing at the time of the marriage:

- (1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.
- (2) Upon grounds existing at common law.

Enacted by Chapter 65, 1971 General Session

Repealed 9/1/2024

30-1-17.2 Action to determine validity of marriage -- Orders relating to parties, property, and children -- Presumption of paternity in marriage.

- (1) If the parties have accumulated any property or acquired any obligations subsequent to the marriage, if there is a genuine need arising from an economic change of circumstances due to the marriage, or if there are children born or expected, the court may make temporary and final orders, and subsequently modify the orders, relating to the parties, their property and obligations, the children and their custody and parent-time, and the support and maintenance of the parties and children, as may be equitable.
- (2) A man is presumed to be the father of a child if:
 - (a) he and the mother of the child are married to each other and the child is born during the marriage;
 - (b) he and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation;
 - (c) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is, or could be, declared invalid and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce, or after a decree of separation; or
 - (d) after the birth of the child, he and the mother of the child have married each other in apparent compliance with law, whether or not the marriage is, or could be declared, invalid, he voluntarily asserted his paternity of the child, and there is no other presumptive father of the child, and:
 - (i) the assertion is in a record filed with the state registrar;
 - (ii) he agreed to be and is named as the child's father on the child's birth certificate; or
 - (iii) he promised in a record to support the child as his own.
- (3) If the child was born at the time of entry of a divorce decree, other children are named as children of the marriage, but that child is specifically not named, the husband is not presumed to be the father of the child not named in the order.
- (4) A presumption of paternity established under this section may only be rebutted in accordance with Section 78B-15-607.
- (5) A final order or decree issued by a tribunal in which paternity is adjudicated may not be set aside unless the court finds that one of the parties perpetrated a fraud in the establishment of the paternity and another party did not know or could not reasonably have known of the fraud at the time of the entry of the order. The party who committed the fraud may not bring the action.

Amended by Chapter 3, 2008 General Session

Repealed 9/1/2024

30-1-17.3 Age as basis of action to determine validity of marriage -- Refusal to grant annulment.

If an action to determine the validity of a marriage is commenced upon the ground that one or both of the parties were prohibited from marriage because of their age, in addition to the application of Sections 30-1-17 through 30-1-17.4, the provisions of this code regarding marriage by a person or persons under 18 years old to the contrary notwithstanding, the court may refuse to grant an annulment if the court finds that it is in the best interest of the parties or their children, to refuse the annulment. The refusal to annul under this section makes the marriage valid and subsisting for all purposes.

Amended by Chapter 300, 2019 General Session

Renumbered 9/1/2024

30-1-17.4 Action for annulment or divorce as alternative relief.

Nothing herein shall be construed to prevent the filing of an action requesting an annulment or a divorce as alternative relief.

Enacted by Chapter 65, 1971 General Session

Renumbered 9/1/2024

30-1-30 Premarital counseling or education -- State policy -- Applicability.

It is the policy of the state to enhance the possibility of couples to achieve more stable, satisfying, and enduring marital and family relationships by providing opportunities for and encouraging the use of premarital counseling or education before securing a marriage license.

Amended by Chapter 347, 2018 General Session

Renumbered 9/1/2024

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

The boards of commissioners of the respective counties in this state are authorized to provide for premarital counseling and to require the use of premarital counseling as a condition precedent to the issuance of a marriage license under the provisions of this act. They may appoint a premarital counseling board consisting of seven members, four of whom shall be lay persons and three of whom shall be chosen from the professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or medicine. They may designate the terms of office and the procedures to be followed by the premarital counseling board and provide for payment of compensation and expenses for members. They may pay the salaries and expenses of a counseling staff under the supervision of the premarital counseling board and provide office space, furnishings, equipment and supplies for their use.

A county may join with an adjacent county or counties in forming a common premarital counseling board and in establishing a common master plan for premarital counseling.

Enacted by Chapter 64, 1971 General Session

Renumbered 9/1/2024

30-1-32 Master plan for counseling.

- (1) It shall be the function and duty of the premarital counseling board, after holding public hearings, to make, adopt, and certify to the county legislative body a master plan for premarital counseling of marriage license applicants within the purposes and objectives of this act.
- (2) The master plan described in Subsection (1) shall include:
 - (a) counseling procedures that:
 - (i) will make applicants aware of problem areas in their proposed marriage;
 - (ii) suggest ways of meeting problems; and
 - (iii) will induce reconsideration or postponement when:
 - (A) the applicants are not sufficiently matured or are not financially capable of meeting the responsibilities of marriage; or
 - (B) are marrying for reasons not conducive to a sound lasting marriage; and
 - (b) standards for evaluating premarital counseling received by the applicants, prior to their application for a marriage license, which would justify issuance of certificate without further counseling being given or required.
- (3) The board may, from time to time, amend or extend the plan described in Subsection (1).
- (4) The premarital counseling board may, subject to Subsection (5):
 - (a) appoint a staff and employees as may be necessary for its work; and
 - (b) contract with social service agencies or other consultants within the county or counties for services it requires.
- (5) Expenditures for the appointments and contracts described in Subsection (4) may not exceed the sums appropriated by the county legislative body plus sums placed at its disposal through gift or otherwise.

Amended by Chapter 297, 2011 General Session

Renumbered 9/1/2024

30-1-33 Conformity to master plan for counseling as prerequisite to marriage license -- Exceptions.

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

- (1) Any person who applies for a marriage license shall have the right to secure the license and to marry notwithstanding their failure to conform to the required premarital counseling or their failure to obtain a certificate of authorization from the premarital counseling board if they wait six months from the date of application for issuance of the license.
- (2) This chapter does not apply to any application for a marriage license where both parties are at least 19 years of age and neither has been previously divorced.
- (3) This chapter does not apply to any application for a marriage license unless both applicants have physically resided in Utah for 60 days immediately preceding their application.
- (4) Premarital counseling required by this act shall be considered fulfilled if the applicants present a certificate verified by a clergyman that the applicants have completed a course of premarital counseling approved by a church and given by or under the supervision of the clergyman.

Amended by Chapter 297, 2011 General Session

Renumbered 9/1/2024

30-1-34 Completion of counseling or education.

- (1) The county clerk of a county that operates an online marriage application system and issues a marriage license to applicants who certify completion of premarital counseling or education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.
- (2)
 - (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify completion of premarital counseling or education in accordance with this Subsection (2).
 - (b) To complete premarital counseling or education, the applicants:
 - (i) shall obtain the premarital counseling or education from:
 - (A) a licensed or ordained minister or the minister's designee who is trained by the minister or denomination to conduct premarital counseling or education;
 - (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;
 - (C) an individual certified by a national organization recognized by the Utah Marriage Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life educator;
 - (D) a family and consumer sciences educator;
 - (E) an individual who is an instructor approved by a premarital education curriculum that meets the requirements of Subsection (2)(b)(ii); or
 - (F) an online course approved by the Utah Marriage Commission;
 - (ii) shall receive premarital counseling or education that includes information on important factors associated with strong and healthy marriages, including:
 - (A) commitment in marriage; and
 - (B) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship;
 - (iii) shall complete at least three hours of premarital counseling or six hours of premarital education meeting the requirements of this Subsection (2); and
 - (iv) shall complete the premarital counseling or education meeting the requirements of this Subsection (2) not more than one year before but at least 14 days before the day on which the marriage license is issued.
 - (c) Although applicants are encouraged to take the premarital counseling or education together, each applicant may comply with the requirements of this Subsection (2) separately.
- (3) A provider of premarital counseling or education under this section is encouraged to use research-based relationship inventories.

Amended by Chapter 91, 2021 General Session

Renumbered 9/1/2024

30-1-35 Persons performing counseling services designated by board -- Exemption from license requirements.

For the purposes of this chapter the premarital counseling board of each county or combination of counties may determine those persons who are to perform any services under this chapter and any person so acting is not subject to prosecution or other sanctions for the person's failure to hold any license for these services as may be required by the laws of the state.

Amended by Chapter 297, 2011 General Session

Renumbered 9/1/2024

30-1-36 Activities included in premarital counseling or education.

- (1) Premarital counseling may include group counseling, individual counseling, and couple counseling.
- (2) Premarital education may include:
 - (a) a lecture, class, seminar, or workshop provided by a person that meets the requirements of Subsection 30-1-34(2)(b)(i); or
 - (b) an online course approved by the Utah Marriage Commission as provided in Subsection 30-1-34(2)(b)(i)(F).

Amended by Chapter 347, 2018 General Session

Renumbered 9/1/2024

30-1-37 Confidentiality of information obtained under counseling provisions.

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

Amended by Chapter 297, 2011 General Session

Renumbered 9/1/2024

30-1-38 Fee for counseling.

Any county adopting a master plan under this act is authorized to charge, in addition to its ordinary marriage license application fees, not more than \$10 for premarital counseling, to be paid by the applicants at the time they make application.

Enacted by Chapter 64, 1971 General Session