

Effective 5/7/2025

Superseded 5/6/2026

81-2-304 Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.

- (1)
- (a) If an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license 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 the minor's consenting parent or legal guardian if an applicant is a minor, shall appear in person before the county 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 (1)(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 (1)(b).

(2)

(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 interest 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 for a minor to marry if the age difference between both parties to the marriage is more than four years.

(f) The judge or court commissioner may not issue a written authorization for a minor to marry until at least 72 hours after the time at which the minor and the minor's parent or legal guardian file the petition for the written authorization.

(3)

(a) The determination required in Subsection (2) shall be made on the record.

(b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.

(4)

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

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

- (i) knowingly, with or without a license, solemnizes the marriage of an individual who is younger than 18 years old and the marriage is prohibited by law;
- (ii) without a written authorization from the juvenile court, solemnizes a marriage to which a party is a minor;
- (iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor to marry; or
- (iv) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent to a marriage of a minor.