

Effective 9/1/2024

Chapter 2 Marriage

Part 1 General Provisions

81-2-101 Definitions for chapter.

Reserved.

Enacted by Chapter 366, 2024 General Session

81-2-102 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.

Renumbered and Amended by Chapter 366, 2024 General Session

Part 2 Premarital Counseling

81-2-201 Definitions for part.

As used in this part:

- (1) "Premarital counseling" includes group counseling, individual counseling, and couple counseling.
- (2) "Premarital education" includes:
 - (a) a lecture, class, seminar, or workshop provided by a person that meets the requirements of Subsection 81-2-206(2)(b)(i); or
 - (b) an online course approved by the Utah Marriage Commission as provided in Subsection 81-2-206(2)(b)(i)(F).

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-202 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-203 Premarital counseling board in county -- Appointment, terms, compensation, offices -- Common counseling board with adjacent county.

- (1) A county is authorized to:
 - (a) provide for premarital counseling; and
 - (b) require the use of premarital counseling as a condition precedent to the issuance of a marriage license under the provisions of this part.
- (2) The county 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.
- (3) The county 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.
- (4) The county 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 the board's use.
- (5) 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-204 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 part.
- (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 premarital counseling 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-205 Conformity to master plan for counseling as prerequisite to marriage license -- Exceptions.

Whenever 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) an individual who applies for a marriage license shall have the right to secure the license and to marry notwithstanding the individual's failure to conform to the required premarital counseling or the individual's failure to obtain a certificate of authorization from the premarital counseling board if the individual waits six months from the date of application for issuance of the license;
- (2) this part does not apply to any application for a marriage license where both parties are at least 19 years old and neither has been previously divorced;
- (3) this part 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; or
- (4) premarital counseling required by this part is 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-206 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-207 Persons performing counseling services designated by board -- Exemption from license requirements.

For the purposes of this part, the premarital counseling board of each county or combination of counties may determine those persons who are to perform any services under this part 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-208 Confidentiality of information obtained under counseling provisions.

- (1) 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 part:
 - (a) shall be confidential information; and
 - (b) may not be released by any person, board, commission, or other entity.
- (2) Notwithstanding Subsection (1), the premarital counseling board or board of commissioners may use the information given by a marriage license applicant, without identification of individuals, to compile and release statistical data.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-209 Fee for counseling.

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

Renumbered and Amended by Chapter 366, 2024 General Session

Part 3

Marriage License and Solemnization

81-2-301 Definitions for part.

As used in this part:

- (1) "County clerk" means:
 - (a) the county clerk of the county; or
 - (b) an employee or designee of the county clerk who is authorized to issue marriage licenses or solemnize marriages.
- (2) "Judge or magistrate of the United States" means:
 - (a) a justice of the United States Supreme Court;
 - (b) a judge of a court of appeals;

- (c) a judge of a district court;
 - (d) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;
 - (e) a judge of a bankruptcy court;
 - (f) a judge of a tax court; or
 - (g) a United States magistrate.
- (3) "Minor" means an individual who is 16 or 17 years old.
- (4)
- (a) "Native American spiritual advisor" means an individual who:
 - (i) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and
 - (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.
 - (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.
 - (c) "Military chaplain" means an individual who is a commissioned officer of:
 - (i) the Chaplain Corps of the United States Army;
 - (ii) the Chaplain Corps of the United States Navy, including the United States Coast Guard; or
 - (iii) the United States Air Force designated for duty as a chaplain.

Amended by Chapter 257, 2025 General Session

81-2-302 Marriage licenses -- Use within state -- 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 81-2-303(4)(a);
 - (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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-303 Application for marriage license -- Contents.

- (1) 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.
- (2) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- (3)
- (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 81-2-304.
 - (b) The form described in Subsection (3)(a) shall include:
 - (i) all information described in Subsection (1);
 - (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor in accordance with Subsection 81-2-304(1)(a);
 - (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 81-2-304 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.
- (4)
- (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 Record and Statistics shall, upon request, supply the social security numbers to the Department of Health and Human Services, Office of Recovery 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.
- (5)
- (a) A county clerk may not issue a marriage license until the county clerk receives:
 - (i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
 - (ii) if one of the parties 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 the party consents to personal jurisdiction of the state, and of the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.
 - (b) A county clerk shall file and preserve each affidavit provided under this section.
 - (c) A party who makes an affidavit described in Subsection (4)(a), 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.
- (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 366, 2024 General Session

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.

Amended by Chapter 300, 2025 General Session

81-2-305 Who may solemnize marriages -- Certificate.

- (1) 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;
 - (o) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court; or
 - (p) a military chaplain.
- (2) An individual authorized under Subsection (1) 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.
- (3) Except for an individual described in Subsection (1)(l), an individual described in Subsection (1) has discretion to solemnize a marriage.
- (4) Except as provided in Section 17-20-4 and Subsection (1)(l), and notwithstanding any other provision in law, no individual authorized under Subsection (1) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.
- (5)
- (a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the date and place of solemnization and the names of two or more witnesses present at the marriage.
 - (b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.
 - (c) An individual described in Subsection (5)(a) 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.
- (6)
- (a) An individual is guilty of a third degree felony if the individual knowingly:
 - (i) solemnizes a marriage without a valid marriage license; or
 - (ii) solemnizes a marriage in violation of this section.
 - (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or without a marriage license, solemnizes a marriage between two individuals who are 18 years old or older that is prohibited by law.

Amended by Chapter 257, 2025 General Session

81-2-306 County clerk to file license and certificate -- Designation as vital record.

- (1)
- (a) The county clerk shall:
 - (i) file and preserve the marriage license returned by an individual under Subsection 81-2-305(5) with the certificate of the marriage; and
 - (ii) record the marriage license and certificate 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 marriage license and the certificate of the individual officiating at the marriage are:
 - (a) vital records as defined in Section 26B-8-101; and
 - (b) subject to the inspection requirements described in Section 26B-8-125.

Renumbered and Amended by Chapter 366, 2024 General Session

Part 4

Validity of Marriage

81-2-401 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

81-2-402 Incestuous marriages void.

- (1) The following marriages are incestuous and void from the beginning, regardless of whether the relationship is legally recognized:
 - (a) a marriage between a parent and a child;
 - (b) a marriage between an ancestor and a descendant of any degree;
 - (c) a marriage between siblings of the half or whole blood;
 - (d) a marriage between an uncle and a niece or nephew;
 - (e) a marriage between an aunt and a niece or nephew;
 - (f) except as provided in Subsection (2), a marriage between first cousins; or
 - (g) except as provided in Subsection (2), a marriage between individuals related to each other within and not including the fifth degree of consanguinity computed according to the rules of the civil law.
- (2) First cousins may marry under the following circumstances:
 - (a) both parties are 65 years old or older; or
 - (b) if both parties are 55 years old 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.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-403 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), the individual marrying is under 18 years old; or
 - (c) between a divorced individual and any individual other than the one from whom the divorce was secured until:
 - (i) the divorce decree becomes absolute; and
 - (ii) if an appeal is taken, until after the affirmance of the divorce 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 81-2-304; or
- (b) lawfully marries before May 14, 2019.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-404 Validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized.

A marriage between two individuals that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic epileptic fits and had not been sterilized is considered valid and legal in this state.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-405 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).

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-406 Validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease.

A marriage between two individuals that was not valid or legal before October 21, 1993, on the basis that a party was afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-407 Validity of a foreign marriage -- Exceptions.

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

- (1) the marriage would be prohibited and declared void in this state under Subsection 81-2-403(1)(a); or
- (2) the marriage is between parties who are related to each other within and including three degrees of consanguinity, except as provided in Subsection 81-2-402(2).

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-408 Validity of marriage not solemnized or solemnized before an unauthorized individual.

- (1) A marriage that is not solemnized according to this chapter is legal and valid if a court or administrative order establishes that the marriage arises out of a contract between two individuals 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 spouses.
- (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:
 - (i) manifested in any form; and
 - (ii) proved under the same general rules of evidence as facts in other cases.
- (3)
- (a) A marriage solemnized before an individual 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 party that the person had authority and that the parties have been lawfully married.
 - (b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be construed to validate a marriage that:
 - (i) is prohibited or void under Section 81-2-403; or
 - (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with jurisdiction.

Renumbered and Amended by Chapter 366, 2024 General Session

81-2-409 Legal recognition of a child when marriage is void.

When a marriage is void under Subsection 81-2-403(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.

Renumbered and Amended by Chapter 366, 2024 General Session