

MINIMUM AGE FOR MARRIAGE

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

AN ACT RELATING TO HUSBAND AND WIFE; INCREASING THE MINIMUM AGE FOR MARRIAGE TO 16; REQUIRING JUDICIAL CONSENT FOR 16 TO 18 YEAR OLDS TO MARRY; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

30-1-2, as last amended by Chapter 14, Laws of Utah 1993, Second Special Session

30-1-8, as last amended by Chapter 212, Laws of Utah 1995

30-1-9, as last amended by Chapter 144, Laws of Utah 1992

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

Section 1. Section **30-1-2** is amended to read:

30-1-2. Marriages prohibited and void.

The following marriages are prohibited and declared void:

(1) when there is a husband or wife living, from whom the person marrying has not been divorced;

(2) when the male or female is under 18 years of age unless consent is obtained as provided in Section 30-1-9;

(3) when the male or female is under [~~14~~] 16 years of age;

(4) between a divorced person and any person 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; and

(5) between persons of the same sex.

Section 2. Section **30-1-8** is amended to read:

30-1-8. Application for license -- Contents.

1 (1) A marriage license may be issued by the county clerk only after an application has
2 been filed in his office, requiring the following information:

- 3 (a) the full names of the parties, including the maiden name of the female;
- 4 (b) the Social Security numbers of the parties, unless the party has not been assigned a
5 number;
- 6 (c) the current address of each party;
- 7 (d) the date and place of birth (town or city, county, state or country, if possible);
- 8 (e) the names of their respective parents, including the maiden name of the mother;
- 9 (f) the birthplaces of fathers and mothers (town or city, county, state or country, if
10 possible); and
- 11 (g) the distinctive race or nationality of each of the parents.

12 (2) If the female is a widow, her maiden name shall be shown in brackets.

13 (3) If one or both of the parties is under [~~16~~] 18 years of age, the clerk shall provide them
14 with a standard petition on a form approved by the Judicial Council to be presented to the juvenile
15 court to obtain the authorization required by Section 30-1-9.

16 (4) (a) The Social Security numbers obtained under the authority of this section may not
17 be recorded on the marriage license, and are not open to inspection as a part of the vital statistics
18 files.

19 (b) The Department of Health, Bureau of Vital Records and Health Statistics shall, upon
20 request, supply those Social Security numbers to the Office of Recovery Services within the
21 Department of Human Services.

22 (c) The Office of Recovery Services may not use any Social Security numbers obtained
23 under the authority of this section for any reason other than the administration of child support
24 services.

25 Section 3. Section 30-1-9 is amended to read:

26 **30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court**
27 **authorization.**

28 (1) If at the time of applying for a license the male or the female is under 18 years of age,
29 and not before married, a license may not be issued without:

30 (a) the consent of his or her father, mother, or guardian personally given or certified in
31 writing to the clerk over his or her signature; and

1 (b) [~~if under 16 years of age,~~] the written authorization to marry from a judge of the court
2 exercising juvenile jurisdiction in the county where either party to the marriage resides. The
3 written authorization may also be obtained from a court commissioner as permitted by rule of the
4 Judicial Council.

5 (2) Before issuing written authorization for a minor to marry, the judge shall ascertain that
6 the minor is entering into the marriage voluntarily.

7 (3) The determination of voluntariness shall be made on the record. Any inquiry conducted
8 by the judge may be conducted in chambers.

Legislative Review Note
as of 1-21-98 3:01 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel