

**Representative Carl R. Saunders** proposes to substitute the following bill:

**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; REMOVING THE REQUIREMENT FOR JUDICIAL CONSENT FOR MINORS 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

**78-3a-104**, as last amended by Chapters 329 and 365, Laws of Utah 1997

*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

**\*HB0301S1\***

1 (5) between persons of the same sex.

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

3 **30-1-8. Application for license -- Contents.**

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

6 (a) the full names of the parties, including the maiden name of the female;

7 (b) the Social Security numbers of the parties, unless the party has not been assigned a  
8 number;

9 (c) the current address of each party;

10 (d) the date and place of birth (town or city, county, state or country, if possible);

11 (e) the names of their respective parents, including the maiden name of the mother;

12 (f) the birthplaces of fathers and mothers (town or city, county, state or country, if  
13 possible); and

14 (g) the distinctive race or nationality of each of the parents.

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

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

19 [(4)] (3) (a) The Social Security numbers obtained under the authority of this section may  
20 not be recorded on the marriage license, and are not open to inspection as a part of the vital  
21 statistics files.

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

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

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

29 **30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court**  
30 **authorization.**

31 [(1)] If at the time of applying for a license the male or the female is under 18 years of age,

1 and not before married, a license may not be issued without~~[:(a)]~~ the consent of his or her father,  
2 mother, or guardian personally given or certified in writing to the clerk over his or her signature~~;~~  
3 and].

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

8 ~~[(2) Before issuing written authorization for a minor to marry, the judge shall ascertain that~~  
9 ~~the minor is entering into the marriage voluntarily.]~~

10 ~~[(3) The determination of voluntariness shall be made on the record. Any inquiry~~  
11 ~~conducted by the judge may be conducted in chambers.]~~

12 Section 4. Section **78-3a-104** is amended to read:

13 **78-3a-104. Jurisdiction of juvenile court -- Original -- Exclusive.**

14 (1) Except as otherwise provided by law, the juvenile court has exclusive original  
15 jurisdiction in proceedings concerning:

16 (a) a minor who has violated any federal, state, or local law or municipal ordinance or a  
17 person younger than 21 years of age who has violated any law or ordinance before becoming 18  
18 years of age, regardless of where the violation occurred, excluding traffic laws and ordinances;

19 (b) a person 21 years of age or older who has failed or refused to comply with an order of  
20 the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's 21st  
21 birthday; however, the continuing jurisdiction is limited to causing compliance with existing  
22 orders;

23 (c) a minor who is abused, neglected, or dependent, as those terms are defined in Section  
24 78-3a-103;

25 (d) the determination of the custody of a minor or to appoint a guardian of the person or  
26 other guardian of a minor who comes within the court's jurisdiction under other provisions of this  
27 section;

28 (e) the termination of the legal parent-child relationship in accordance with Part 4,  
29 Termination of Parental Rights Act, including termination of residual parental rights and duties;

30 (f) the treatment or commitment of a mentally retarded minor;

31 (g) a minor who, in defiance of earnest and persistent efforts on the part of his parents and

1 school authorities as required under Section 53A-11-103, is a habitual truant from school;

2 (h) the judicial consent to the [~~marriage of a minor under age 16 upon a determination of~~  
3 ~~voluntariness or where otherwise required by law,~~] employment[, or enlistment of a minor when  
4 consent is required by law;

5 (i) any parent or parents of a minor committed to a secure youth corrections facility, to  
6 order, at the discretion of the court and on the recommendation of a secure youth corrections  
7 facility, the parent or parents of a minor committed to a secure youth corrections facility for a  
8 custodial term, to undergo group rehabilitation therapy under the direction of a secure youth  
9 corrections facility therapist, who has supervision of that parent's or parents' minor, or any other  
10 therapist the court may direct, for a period directed by the court as recommended by a secure youth  
11 corrections facility;

12 (j) a minor under Title 55, Chapter 12, Interstate Compact on Juveniles;

13 (k) the treatment or commitment of a mentally ill child. The court may commit a child to  
14 the physical custody of a local mental health authority or to the legal custody of the Division of  
15 Mental Health in accordance with the procedures and requirements of Title 62A, Chapter 12, Part  
16 2A, Commitment of Persons Under Age 18 to Division of Mental Health. The court may not  
17 commit a child directly to the Utah State Hospital; and

18 (l) the commitment of a minor in accordance with Section 62A-8-501.

19 (2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive  
20 jurisdiction over any traffic offense committed by a minor under 16 years of age and concurrent  
21 jurisdiction over all other traffic offenses committed by a minor 16 years of age or older, except  
22 that the court shall have exclusive jurisdiction over the following traffic offenses committed by  
23 a minor under 18 years of age:

24 (a) Section 76-5-207, automobile homicide;

25 (b) Section 41-6-44, operating a vehicle while under the influence of alcohol or drugs;

26 (c) Section 41-6-45, reckless driving;

27 (d) Section 41-1a-1311, unauthorized control over a motor vehicle, trailer, or semitrailer;

28 (e) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or semitrailer  
29 for an extended period of time; and

30 (f) Section 41-6-13.5, fleeing a peace officer.

31 (3) The court also has jurisdiction over traffic offenses that are part of a single criminal

1 episode filed in a petition that contains an offense over which the court has jurisdiction.

2 (4) The juvenile court has jurisdiction over questions of custody, support, and visitation  
3 certified to it by the district court pursuant to Section 78-3a-105.

4 (5) The juvenile court has jurisdiction over an ungovernable or runaway minor who is  
5 referred to it by the Division of Child and Family Services or by public or private agencies that  
6 contract with the division to provide services to that minor where, despite earnest and persistent  
7 efforts by the division or agency, the minor has demonstrated that he:

8 (a) is beyond the control of his parent, guardian, lawful custodian, or school authorities  
9 to the extent that his behavior or condition endangers his own welfare or the welfare of others; or

10 (b) has run away from home.

11 (6) This section does not restrict the right of access to the juvenile court by private  
12 agencies or other persons.

13 (7) The juvenile court has jurisdiction of all magistrate functions relative to cases arising  
14 under Section 78-3a-602.