

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

MINIMUM AGE FOR MARRIAGE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

AN ACT RELATING TO HUSBAND AND WIFE; CHANGING THE CONDITIONS UNDER WHICH A PERSON UNDER THE AGE OF 18 MAY MARRY.

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

30-1-9, 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, however exceptions may be made for a person 15 years of age, under conditions set in accordance with Section 30-1-9;

(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 30-1-9 is amended to read:

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

28 (1) (a) If at the time of applying for a license the male or the female is under 18 years of
29 age, and not before married, a license may not be issued without~~[(a)]~~ the consent of his or her
30 father, mother, or guardian personally given or certified in writing to the clerk over his or her
31 signature~~[- and]~~.

32 (b) ~~[if]~~ If the male or female is under 16 years of age, the minor and their parent or
33 guardian shall obtain a written authorization to marry from a judge of the court exercising juvenile
34 jurisdiction in the county where either party to the marriage resides. The written authorization may
35 also be obtained from a court commissioner as permitted by rule of the Judicial Council.

36 (2) Before issuing written authorization for a minor to marry, the judge ~~[shall ascertain that~~
37 ~~the minor is entering into the marriage voluntarily]~~ or court commissioner shall require that both
38 parties complete premarital education and may require that the person continue to attend school,
39 unless excused under Section 53A-11-102, and any other conditions that seem reasonable under
40 the circumstances.

41 (3) If the female is pregnant, the judge or commissioner shall advise her of the choice of
42 adoption for the unborn child.

43 ~~[(3)]~~ (4) The determination of voluntariness shall be made on the record. Any inquiry
44 conducted by the judge may be conducted in chambers.

Legislative Review Note
as of 12-17-98 12:45 PM

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

Office of Legislative Research and General Counsel