

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

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 years of age or, beginning May 3, 1999, when the male or female is under 16 years of age at the time the parties attempt to enter into the marriage, 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

26 (5) between persons of the same sex.

27 Section 2. Section **30-1-9** is amended to read:

28 **30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court**
29 **authorization.**

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

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

38 (2) (a) Before issuing written authorization for a minor to marry, the judge ~~[shall ascertain]~~
39 or court commissioner shall determine:

40 (i) that the minor is entering into the marriage voluntarily; and

41 (ii) the marriage is in the best interests of the minor under the circumstances.

42 (b) The judge or court commissioner shall require that both parties to the marriage
43 complete premarital education. This requirement may be waived if premarital education is not
44 reasonably available.

45 (c) The judge or court commissioner may require:

46 (i) that the person continue to attend school, unless excused under Section 53A-11-102;
47 and

48 (ii) any other conditions that seem reasonable under the circumstances.

49 (d) If the female is pregnant, the judge or commissioner shall advise her of the choice of
50 adoption for the unborn child, and may refer her for appropriate counseling.

51 (e) The judge or court commissioner may refuse authorization to marry if it is determined
52 that the marriage is not in the best interests of the minor.

53 (3) The determination ~~[of voluntariness]~~ required in Subsection (2) shall be made on the
54 record. Any inquiry conducted by the judge or commissioner may be conducted in chambers.