

MARRIAGE LAW AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Gene Davis

AN ACT RELATING TO HUSBAND AND WIFE; MODIFYING SECTION TO ADDRESS CONSENT OF DIVORCED PARENTS FOR MARRIAGE OF A MINOR; REQUIRING CONSENT TO BE GIVEN IN PERSON; DEFINING MINOR; AND MAKING TECHNICAL AMENDMENTS.

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

AMENDS:

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 **30-1-9** is amended to read:

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

(1) For purposes of this section, "minor" means a male or female under 18 years of age.

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

(a) the signed consent of [his or her] the minor's father, mother, or guardian [personally] given [or certified] in [writing] person to the clerk [over his or her signature; and]; however:

(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 presentation of a copy to the clerk of the divorce decree specifying custody;

(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 presentation of a copy to the clerk of the divorce decree specifying custody; or

28 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the
29 consent; and

30 (b) if under 16 years of age, the written authorization to marry from:

31 (i) a judge of the court exercising juvenile jurisdiction in the county where either party to
32 the marriage resides[. The written authorization may also be obtained from]; or

33 (ii) a court commissioner as permitted by rule of the Judicial Council.

34 [~~(2)~~] (3) Before issuing written authorization for a minor to marry, the judge or court
35 commissioner shall ascertain that the minor is entering into the marriage voluntarily. If the clerk
36 has a question as to whether the parent giving consent to the marriage may validly do so, the judge
37 or court commissioner shall determine whether the parent providing the consent meets the
38 qualifications set out in Subsection (2).

39 [~~(3)~~] (4) The determination of voluntariness shall be made on the record. Any inquiry
40 conducted by the judge may be conducted in chambers.

Legislative Review Note
as of 1-25-99 11:11 AM

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

Office of Legislative Research and General Counsel