

1 **MARRIAGE PREPARATION EDUCATION**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Rosalind J. McGee**

5 Douglas C. Aagard

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the marriage counseling and education provisions by requiring a
10 reduction in marriage license fees for couples who voluntarily undergo marriage
11 education that meet specific criteria.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides a mechanism for couples who undergo premarital education to receive a
15 reduction of the marriage license fee;
- 16 ▶ frames the requirements for premarital education; and
- 17 ▶ limits who can conduct the premarital education to licensed or ordained ministers,
18 persons who can solemnize marriages, marriage and family therapists, social
19 workers, or psychologists.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **17-16-21**, as last amended by Chapter 9 and renumbered and amended by Chapter 46,
27 Laws of Utah 2001



- 28 **30-1-30**, as enacted by Chapter 64, Laws of Utah 1971
- 29 **30-1-34**, as enacted by Chapter 64, Laws of Utah 1971
- 30 **30-1-36**, as enacted by Chapter 64, Laws of Utah 1971
- 31 **30-1-37**, as enacted by Chapter 64, Laws of Utah 1971
- 32 **30-1-39**, as enacted by Chapter 64, Laws of Utah 1971

33 REPEALS:

- 34 **30-1-31**, as enacted by Chapter 64, Laws of Utah 1971
- 35 **30-1-32**, as last amended by Chapter 227, Laws of Utah 1993
- 36 **30-1-33**, as enacted by Chapter 64, Laws of Utah 1971
- 37 **30-1-35**, as enacted by Chapter 64, Laws of Utah 1971
- 38 **30-1-38**, as enacted by Chapter 64, Laws of Utah 1971



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

41 Section 1. Section **17-16-21** is amended to read:

42 **17-16-21. Fees of county officers.**

43 (1) As used in this section, "county officer" means all of the county officers
44 enumerated in Section 17-53-101 except county recorders, county constables, and county
45 sheriffs.

46 (2) (a) Each county officer shall collect, in advance, for exclusive county use and
47 benefit:

48 (i) all fees established by the county legislative body under Section 17-53-211; and

49 (ii) any other fees authorized or required by law.

50 (b) (i) As long as the displaced homemaker program is authorized by Section
51 35A-3-114, the county clerk shall:

52 [~~(i)~~] (A) assess \$20 in addition to whatever fee for a marriage license is established
53 under authority of this section; and

54 [~~(ii)~~] (B) transmit \$20 from each marriage license fee to the Division of Finance to be
55 credited to the displaced homemaker program.

56 (ii) The fee authorized by this Subsection (2) ~~h~~ (b) ~~h~~ shall be waived if the requirements of
57 Section 30-1-34 are met. If the fee is waived, the county is not required to transmit \$20 of the
58 marriage license fee to the Division of Finance.

59 (c) As long as the Children's Legal Defense Account is authorized by Section 63-63a-8,
60 the county clerk shall:

61 (i) assess \$10 in addition to whatever fee for a marriage license is established under
62 authority of this section and in addition to the \$20 assessed for the displaced homemaker
63 program; and

64 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
65 in the Children's Legal Defense Account.

66 (3) This section does not apply to any fees currently being assessed by the state but
67 collected by county officers.

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

69 **30-1-30. Premarital education -- State policy.**

70 It is the policy of the state of Utah to enhance the possibility of couples to achieve more
71 stable, satisfying and enduring marital and family relationships by providing opportunities for
72 and encouraging the use of premarital [~~counseling~~] education prior to securing a marriage
73 license [~~by persons under 19 years of age and by persons who have been previously divorced~~].

74 Section 3. Section **30-1-34** is amended to read:

75 **30-1-34. Certificate of completion of education -- Reduction of license fee.**

76 (1) The county clerk of any county [~~which has adopted this act shall issue~~] who issues
77 a marriage license to those applicants who [~~come within the premarital counseling~~
78 requirements of this act when the applicants] present a certificate [~~from the premarital~~
79 counseling board that the counseling has been completed or has been found to be adequate if
80 the license application otherwise conforms to the requirements for issuance of a marriage
81 license. For those applicants who would otherwise need approval of the district court in order
82 to marry, the certificate shall take the place of court consent if the parents, guardian or
83 custodial parent of the applicant have given their consent to the marriage.] of completion in
84 accordance with Subsection (2) shall reduce the fee for the license by the amount assessed
85 under Subsection 17-16-21(2)(b).

86 (2) In order to qualify for the reduced fee in Subsection (1), the parties shall submit a
87 signed and dated statement from the person who provided the premarital education confirming
88 that it was received.

89 (a) The premarital education shall be provided by **h** :

89a (i) **h** a licensed or ordained minister or the

90 minister's designee **h** [] :

90a (ii) h a person authorized to solemnize marriages under h [Section] SUBSECTION h

90b 30-1-6 h [] (a) OR (b); h or

90c h (iii) h a

91 person who practices marriage and family therapy and is licensed under Title 58, Chapter 60,

92 Part 2, Social Worker Licensing Act; Part 3, Marriage and Family Therapist Licensing Act; h PART

92a 4, PROFESSIONAL COUNSELOR LICENSING ACT; h or

93 Title 58, Chapter 61, Psychologist Licensing Act.

94 (b) The education shall include, as a minimum, the following topics:

95 (i) commitment;

96 (ii) communication;

97 (iii) financial management skills; and

98 (iv) conflict management skills, including an understanding of what constitutes

99 domestic abuse.

100 (c) For the purposes of this section, the designee of a licensed or ordained minister

101 shall be a person trained by the minister or denomination to conduct premarital education.

102 (3) The statement from the person who provided the premarital education under

103 Subsection (2) shall be in the following form:

104 "I, (name of provider), confirm that (names of both parties) received at least eight hours

105 of premarital education that included the following topics: commitment, communication,

106 financial management, and conflict management skills h INCLUDING AN UNDERSTANDING OF

106a WHAT CONSTITUTES DOMESTIC ABUSE h . I am a licensed or ordained minister or

107 the minister's designee, a person authorized to solemnize marriages under Section 30-1-6, or a

108 person who practices marriage and family therapy and is licensed under Title 58, Chapter 60,

109 Part 2, Social Worker Licensing Act; Part 3, Marriage and Family Therapist Licensing Act; or

110 Title 58, Chapter 61, Psychologist Licensing Act."

111 (4) The names of the parties in the provider's statement must be identical to the legal

112 names of the parties as they appear on the marriage license application. The provider's

113 statement shall be filed with the license.

114 Section 4. Section 30-1-36 is amended to read:

115 **30-1-36. Activities included in premarital education.**

116 Premarital [counseling] education as used in this act shall include but not be limited to

117 lectures, group counseling, and individual counseling [and testing].

118 Section 5. Section 30-1-37 is amended to read:

119 **30-1-37. Confidentiality of information obtained under counseling provisions.**

120 Except for the information required or to be required on the marriage license

121 application form, any information given by a marriage license applicant in compliance with this
 122 act shall be confidential information and shall not be released by any person, board,
 123 commission or other entity. [~~However, the premarital counseling board or board of~~
 124 ~~commissioners]~~ The county clerk may use the information, without identification of
 125 individuals, to compile and release statistical data.

126 Section 6. Section **30-1-39** is amended to read:

127 **30-1-39. False representation of compliance -- Infraction.**

128 Any person [~~coming within the provisions of this act]~~ who falsely represents that he has
 129 complied with the requirements of [~~a master plan for premarital counseling or who;~~] Section
 130 30-1-34 or who Ĥ KNOWINGLY ĥ colludes with another for the purpose of [~~evading the provisions~~
 130a ~~of this act,~~
 131 ~~applies for a marriage license in a county within the state of Utah which does not require~~
 132 ~~premarital counseling;~~] receiving the benefit of Subsection 30-1-34(1) is guilty of [~~a~~
 133 ~~misdemeanor]~~ an infraction.

134 Section 7. **Repealer.**

135 This bill repeals:

136 Section **30-1-31, Premarital counseling board in county -- Appointment, terms,**
 137 **compensation, offices -- Common counseling board with adjacent county.**

138 Section **30-1-32, Master plan for counseling.**

139 Section **30-1-33, Conformity to master plan for counseling as prerequisite to**
 140 **marriage license -- Exceptions.**

141 Section **30-1-35, Persons performing counseling services designated by board --**
 142 **Exemption from license requirements.**

143 Section **30-1-38, Fee for counseling.**

Legislative Review Note

as of 9-19-03 9:46 AM

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

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-11-03 8:38 AM

The Judiciary Interim Committee recommended this bill.

Fiscal Note

Marriage Preparation Education

21-Jan-04

Bill Number HB00072:59 PM

AMENDED NOTE**State Impact**

Currently, each marriage license includes an additional \$20 fee that is collected by the counties for Workforce Services Displaced Homemakers Program. Under the provisions of this bill, a couple could have this fee waived if they elect to undergo marriage education. Since the provisions of the bill do not mandate participation in the program, a quantifiable estimate of fiscal impact is not available. In FY 2003, Workforce Services received \$531,611. For every 10% of couples taking advantage of the program, Workforce services will lose \$53, 161 in Dedicated Credits revenue.

Individual and Business Impact

Eligible individuals would receive a reduced fee for a marriage license.

Office of the Legislative Fiscal Analyst