

MARRIAGE PREPARATION EDUCATION

2005 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides a mechanism for couples who undergo premarital education to receive a reduction of the marriage license fee;
- ▶ requires eight hours of premarital education;
- ▶ frames the requirements for premarital education; and
- ▶ limits who can conduct the premarital education to licensed or ordained ministers, or their designees, persons who can solemnize marriages, marriage and family therapists, social workers, or psychologists.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-16-21, as last amended by Chapter 9 and renumbered and amended by Chapter 46,



Laws of Utah 2001

30-1-30, as enacted by Chapter 64, Laws of Utah 1971

30-1-34, as enacted by Chapter 64, Laws of Utah 1971

30-1-36, as enacted by Chapter 64, Laws of Utah 1971

30-1-37, as enacted by Chapter 64, Laws of Utah 1971

30-1-39, as enacted by Chapter 64, Laws of Utah 1971

REPEALS:

30-1-31, as enacted by Chapter 64, Laws of Utah 1971

30-1-32, as last amended by Chapter 227, Laws of Utah 1993

30-1-33, as enacted by Chapter 64, Laws of Utah 1971

30-1-35, as enacted by Chapter 64, Laws of Utah 1971

30-1-38, as enacted by Chapter 64, Laws of Utah 1971

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

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

17-16-21. Fees of county officers.

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

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

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

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

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

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

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

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

marriage license fee to the Division of Finance.

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

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

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

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

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

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

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

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

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

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

(2) In order to qualify for the reduced fee in Subsection (1), the parties shall submit a signed and dated statement from the person who provided the premarital education confirming

that eight hours of premarital education were received.

(a) The premarital education shall be provided by:

(i) (A) a licensed or ordained minister; or

(B) the minister's designee, who shall be a person trained ~~by~~ or designated ~~by~~ by the minister or denomination to conduct premarital education;

(ii) a person authorized to solemnize marriages under Subsection 30-1-6(a) or (b); or

(iii) a person who practices marriage and family therapy and is licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act; Part 3, Marriage and Family Therapist Licensing Act; Part 4, Professional Counselor Licensing Act; or Title 58, Chapter 61, Psychologist Licensing Act.

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

(i) commitment;

(ii) communication;

(iii) financial management skills; and

(iv) conflict management skills, including an understanding of what constitutes domestic abuse.

(c) The duration of the premarital education shall be no fewer than eight hours.

(3) The statement from the person who provided the premarital education under Subsection (2) shall be in the following form:

"I, (name of provider), confirm that (names of both parties) received at least eight hours of premarital education that included the following topics: commitment, communication, financial management, and conflict management skills including an understanding of what constitutes domestic abuse. I am a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under Section 30-1-6, or a person who practices marriage and family therapy and is licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act; Part 3, Marriage and Family Therapist Licensing Act; or Title 58, Chapter 61, Psychologist Licensing Act."

(4) The names of the parties in the provider's statement must be identical to the legal names of the parties as they appear on the marriage license application. The provider's statement shall be filed with the license.

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

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

Premarital [~~counseling~~] education as used in this [~~act~~] chapter shall include but not be limited to lectures, group counseling, and individual counseling [~~and testing~~].

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

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

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

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

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

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

Section 7. Repealer.

This bill repeals:

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

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

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

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

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

Legislative Review Note
as of 12-6-04 3:04 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

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 difficult. However, for every 10 percent of couples taking advantage of this program, Workforce Services will lose approximately \$50,000 in Dedicated Credit Revenues. Based on experiences in other states the Analyst estimates a 10 percent revenue reduction.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Dedicated Credits	\$0	\$0	(\$50,000)	(\$50,000)
TOTAL	\$0	\$0	(\$50,000)	(\$50,000)

Individual and Business Impact

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

Office of the Legislative Fiscal Analyst