

MARRIAGE PREPARATION EDUCATION

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosalind J. McGee

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill creates a pilot program within the Department of Workforce Services for premarital education.

Highlighted Provisions:

This bill:

- ▶ creates a pilot program within the Department of Workforce Services;
- ▶ 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;
- ▶ limits who can conduct the premarital education to licensed or ordained ministers, or their designees, persons who can solemnize marriages, marriage and family therapists, family life educators, social workers, or psychologists; and
- ▶ provides for the Department of Workforce Services to collect statistical data to evaluate the appropriateness and effectiveness of the program.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1 2007.

Utah Code Sections Affected:



28 AMENDS:

29 17-16-21, as last amended by Chapter 9 and renumbered and amended by Chapter 46,
30 Laws of Utah 2001

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

32 30-1-34, as enacted by Chapter 64, Laws of Utah 1971

33 30-1-36, as enacted by Chapter 64, Laws of Utah 1971

34 30-1-37, as enacted by Chapter 64, Laws of Utah 1971

35 30-1-39, as enacted by Chapter 64, Laws of Utah 1971

36 63-55-230, No change since 1953

37 REPEALS AND REENACTS:

38 30-1-31, as enacted by Chapter 64, Laws of Utah 1971

39 REPEALS:

40 30-1-32, as last amended by Chapter 227, Laws of Utah 1993

41 30-1-33, as enacted by Chapter 64, Laws of Utah 1971

42 30-1-35, as enacted by Chapter 64, Laws of Utah 1971

43 30-1-38, as enacted by Chapter 64, Laws of Utah 1971



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

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

47 17-16-21. Fees of county officers.

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

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

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

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

55 (b) (i) As long as the displaced homemaker program is authorized by Section
56 35A-3-114, the county clerk shall:

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

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

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

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

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

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

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

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

74 **30-1-30. Premarital education -- State policy.**

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

80 Section 3. Section **30-1-31** is repealed and reenacted to read:

81 **30-1-31. Premarital Education Pilot Project.**

82 (1) There is created the Premarital Education Pilot Project in the Department of
83 Workforce Services.

84 (2) The pilot project shall be limited to a specific number of counties selected by the
85 department based upon varying statistics, including:

86 (a) rural or urban;

87 (b) marriage and divorce rates;

88 (c) age of parties to marriages and divorces; and

89 (d) the availability and use of premarital education.

90 (3) The pilot project shall last for no longer than five years and is repealed on June 30,
91 2012.

92 Section 4. Section **30-1-34** is amended to read:

93 **30-1-34. Certificate of completion of education -- Reduction of license fee.**

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

104 (2) In order to qualify for the reduced fee in Subsection (1), the parties shall submit a
105 signed and dated statement from the person who provided the premarital education confirming
106 that eight hours of premarital education were received.

107 (a) The premarital education shall be provided by:

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

109 (B) the minister's designee, who shall be a person trained by the minister or

110 denomination to conduct premarital education;

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

112 (iii) a certified family life educator as certified by the National Council on Family

113 Relations; or

114 (iv) a person who practices marriage and family therapy and is licensed under Title 58,

115 Chapter 60, Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist

116 Licensing Act, Part 4, Professional Counselor Licensing Act, or Title 58, Chapter 61,

117 Psychologist Licensing Act.

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

119 (i) commitment;

120 (ii) communication;

121 (iii) financial management skills; and
 122 (iv) conflict management skills, including an understanding of what constitutes
 123 domestic abuse.

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

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

127 "I, (name of provider), confirm that (names of both parties) received at least eight hours
 128 of premarital education that included the following topics: commitment, communication,
 129 financial management, and conflict management skills including an understanding of what
 130 constitutes domestic abuse. I am a: (check one)

131 _____ licensed or ordained minister or the minister's designee;

132 _____ person authorized to solemnize marriages under Section 30-1-6;

133 _____ certified family life educator; or

134 _____ person who practices marriage and family therapy and is licensed under Title
 135 58, Chapter 60, Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist
 136 Licensing Act, or Title 58, Chapter 61, Psychologist Licensing Act."

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

140 Section 5. Section **30-1-36** is amended to read:

141 **30-1-36. Activities included in premarital education.**

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

144 Section 6. Section **30-1-37** is amended to read:

145 **30-1-37. Confidentiality of information obtained under counseling provisions.**

146 (1) Except for the information required or to be required on the marriage license
 147 application form, any information given by a marriage license applicant in compliance with this
 148 [~~act shall be~~] chapter is confidential information and [~~shall~~] may not be released by any person,
 149 board, commission, or other entity[. However, the premarital counseling board or board of
 150 commissioners] without a waiver.

151 (2) The county clerk may [~~use the~~] release information specified in the waiver to the

152 department, without identification of individuals, to compile and release statistical data.

153 (3) Parties who take advantage of the pilot project consent to future contacts by the
154 department for the purpose of gathering statistical information.

155 Section 7. Section **30-1-39** is amended to read:

156 **30-1-39. False representation of compliance -- Infraction.**

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

163 Section 8. Section **63-55-230** is amended to read:

164 **63-55-230. Repeal dates, Title 30.**

165 Section 30-1-31, Premarital Education Pilot Project, is repealed June 30, 2012.

166 Section 9. **Repealer.**

167 This bill repeals:

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

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

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

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

174 Section 10. **Effective date.**

175 This bill takes effect on July 1, 2007.

H.B. 350 - Marriage Preparation Education

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. Provisions of this legislation will be funded by shifting existing federal funds.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. Participants in the program may realize a savings of \$20 on their marriage license fee.

1/30/2007, 9:47:52 AM, Lead Analyst: Eckersley, S.

Office of the Legislative Fiscal Analyst