

## HB0132S01 compared with HB0132

~~{deleted text}~~ shows text that was in HB0132 but was deleted in HB0132S01.

inserted text shows text that was not in HB0132 but was inserted into HB0132S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

**Representative Dixon M. Pitcher proposes the following substitute bill:**

### PREMARITAL EDUCATION AND COUNSELING

#### AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dixon M. Pitcher**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ reduces the marriage license fee for a couple who undergo premarital education or counseling;
- ▶ increases the license fee for a couple who do not undergo premarital education or counseling;

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- ▶ creates a three day waiting period for a license before it can be used; and
- ▶ sets out a list of topics the premarital counseling should cover.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill takes effect on January 1, 2013.

### Utah Code Sections Affected:

#### AMENDS:

**30-1-7**, as last amended by Laws of Utah 2004, Chapter 289

~~{ **30-1-14**, as last amended by Laws of Utah 2001, Chapter 129~~

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

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

**30-1-37**, as last amended by Laws of Utah 2011, Chapter 297

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

**63I-1-230**, as renumbered and amended by Laws of Utah 2008, Chapter 382

#### ENACTS:

**30-1-7.5**, Utah Code Annotated 1953

#### REPEALS AND REENACTS:

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

#### REPEALS:

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

**30-1-32**, as last amended by Laws of Utah 2011, Chapter 297

**30-1-33**, as last amended by Laws of Utah 2011, Chapter 297

**30-1-35**, as last amended by Laws of Utah 2011, Chapter 297

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

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

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

**30-1-7. Marriage licenses -- Use within state -- Expiration.**

(1) ~~[No]~~ A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.

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(2) A license issued within this state by a county clerk may only be used within this state.

(3) A license that is not used within 30 days of the date of issuance is void.

Section 2. Section **30-1-7.5** is enacted to read:

### **30-1-7.5. Marriage licenses -- Waiting period.**

A license is not valid and may not be used until the third day after the date of issuance, not including the day of issuance, unless:

(1) the couple has participated in premarital education or counseling in accordance with Section 30-1-34; or

(2) the county clerk grants an exemption to a couple who has not participated in premarital education or counseling based on extraordinary circumstances.

Section 3. Section ~~{30-1-14}~~**30-1-30** is amended to read:

### ~~{~~ **30-1-14. Acting without authority -- Impersonation -- Forgery -- Penalty.**

~~———— A person is guilty of a third degree felony if he:~~

~~———— (1) knowingly solemnizes a marriage in violation of either Section 30-1-6, 30-1-7, 30-1-7.5, or 30-1-9.1;~~

~~———— (2) impersonates a parent or guardian of a minor to obtain a license for the minor to marry; or~~

~~———— (3) forges the name of a parent or guardian of a minor on any writing purporting to give consent to a marriage of a minor.~~

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

### ~~‡~~ **30-1-30. Premarital education or counseling -- State policy -- Applicability.**

(1) 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 education or counseling prior to securing a marriage license ~~[by persons under 19 years of age and by persons who have been previously divorced].~~

(2) As used in Sections 30-1-30, 30-1-36, 30-1-37, and 30-1-39:

(a) "Premarital counseling" means the engaged couple meets together or individually with a licensed counselor or ordained minister who provides information and guidance regarding marriage and family life.

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(b) "Premarital education" means information regarding marriage and family life that is provided within a set curricula to couples in a group or classroom setting or via an online learning environment.

Section ~~5~~4. Section **30-1-34** is repealed and reenacted to read:

**30-1-34. Certificate of completion of counseling or education -- Reduction of license fee -- Increase in fee for noncompletion of counseling or education.**

(1) The county clerk of any county who issues a marriage license to applicants who present a certificate of completion in accordance with Subsection (2) shall reduce the fee for the license to ~~5~~10. ~~The reduced fee does not include any fees assessed by the state in conjunction with marriage licenses and collected by the county clerk.~~

(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 or counseling confirming that it was received.

(a) The premarital education or counseling shall be provided by:

(i) a licensed or ordained minister or the minister's designee who has been trained by the minister or denomination to conduct premarital education or counseling;

(ii) a person authorized to solemnize marriages under Section 30-1-6;

(iii) a licensed counselor;

(iv) an individual certified by the National Council on Family Relations as a Certified Family Life Educator;

(v) a Family and Consumer Sciences educator, including Family and Consumer Sciences educators with the Utah State University Cooperative Extension Service; or

(vi) an individual who is an approved instructor of a premarital education curriculum that meets the requirements in Subsection (2)(b).

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

(i) commitment in marriage;

(ii) marital fidelity;

(iii) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship;

(iv) effective financial management; and

(v) encouragement to discuss any information that could reasonably affect the decision

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to marry.

(c) At least six hours of premarital education or three hours of premarital counseling are required to fulfill the requirements of this section.

(d) Religious organizations offering formal premarital education or counseling are exempt from the content requirements in Subsection (2)(b), but shall adhere to the length of time requirement.

(e) Providers are encouraged to make use of research-based relationship inventories.

(3) The statement from the person who provided the premarital education or counseling under Subsection (2) shall include the following:

"I, (name of provider), confirm that I provided (names of both parties) at least three hours of premarital counseling or six hours of premarital education. I am authorized to provide premarital education or counseling in accordance with Subsection 30-1-34(2)(a) Utah Code Annotated, 1953."

(4) The names of the parties in the provider's statement shall 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.

(5) The fee for a marriage license if the couple has not completed premarital education or counseling is \$65.

Section ~~6~~5. Section **30-1-36** is amended to read:

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

Premarital education or counseling as used in this [act shall] part may include but not be limited to lectures, group [~~counseling~~] education, online courses, relationship inventories, and individual education or counseling [~~and testing~~].

Section ~~7~~6. Section **30-1-37** is amended to read:

### **30-1-37. Confidentiality of information obtained -- Recordkeeping -- Utah Commission on Marriage to provide information to public.**

(1) 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 chapter shall be confidential information and may not be released by any person, board, commission, or other entity. However, the [premarital counseling board or board of commissioners] county clerk or the Utah Commission on Marriage within the Department of

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Workforce Services may use the information, without identification of individuals, to compile and release statistical data.

(2) The county clerk shall keep a record of the number of marriage license applicants who:

(a) paid the reduced fee because of participation in premarital education or counseling; and

(b) were granted an exception to the 72-hour waiting period and the reason for the exception.

(3) The information collected under Subsection (2) shall be provided in a report to the Utah Commission on Marriage no later than December 31 of each year.

(4) The Utah Commission on Marriage shall:

(a) provide information and resources to educate the public on the value of premarital education and counseling;

(b) maintain a list of marriage and family life curricula that contain the elements required in Subsection 30-1-34(2)(b) and make it available to the public;

(c) evaluate the effectiveness of this program based on the information provided by the county clerks and other sources; and

(d) provide to the Judiciary, Law Enforcement and Criminal Justice Interim Committee not later than October 31, 2018, and October 31, 2022, a report on the effectiveness of the program in encouraging premarital counseling or education. The second report shall also contain a recommendation to either sunset or continue the program.

Section ~~8~~7. 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 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 ~~9~~8. Section **63I-1-230** is amended to read:

### **63I-1-230. Repeal dates, Title 30.**

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Sections 30-1-30, 30-1-34, 30-1-36, 30-1-37, and 30-1-39 are repealed July 1, 2023.

Section ~~{10}~~9. 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.**

Section ~~{11}~~10. Effective date.

This bill takes effect on January 1, 2013.

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**Legislative Review Note**

~~as of 1-16-12 6:14 PM~~

~~Office of Legislative Research and General Counsel~~