

MARRIAGE LICENSE AND COUNSELING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill modifies the marriage education and counseling provisions by requiring a reduction in marriage license fees for a couple who undergoes premarital education or counseling that meets specific criteria. The bill also creates a restricted account for excess fees collected when a couple does not undergo premarital counseling.

Highlighted Provisions:

This bill:

- ▶ creates a statutory base for marriage license fees;
- ▶ reduces the marriage license fee for a couple who undergoes premarital education or counseling;
- ▶ sets out a list of topics the premarital counseling should cover; and
- ▶ creates the Marriage Education Restricted Account.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-16-21, as last amended by Laws of Utah 2013, Chapter 278

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



- 28 [30-1-30](#), as enacted by Laws of Utah 1971, Chapter 64
- 29 [30-1-39](#), as enacted by Laws of Utah 1971, Chapter 64
- 30 [62A-1-120](#), as last amended by Laws of Utah 2014, Chapter 387

31 ENACTS:

- 32 [62A-1-121](#), Utah Code Annotated 1953

33 REPEALS AND REENACTS:

- 34 [30-1-34](#), as enacted by Laws of Utah 1971, Chapter 64
- 35 [30-1-36](#), as enacted by Laws of Utah 1971, Chapter 64

36 REPEALS:

- 37 [30-1-31](#), as enacted by Laws of Utah 1971, Chapter 64
- 38 [30-1-32](#), as last amended by Laws of Utah 2011, Chapter 297
- 39 [30-1-33](#), as last amended by Laws of Utah 2011, Chapter 297
- 40 [30-1-35](#), as last amended by Laws of Utah 2011, Chapter 297
- 41 [30-1-37](#), as last amended by Laws of Utah 2011, Chapter 297
- 42 [30-1-38](#), as enacted by Laws of Utah 1971, Chapter 64

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

45 Section 1. Section [17-16-21](#) is amended to read:

46 **[17-16-21](#). Fees of county officers.**

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

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

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

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

54 (b) As long as the Children's Legal Defense Account is authorized by Section
55 [51-9-408](#), the county clerk shall:

56 (i) assess \$10 in addition to whatever fee for a marriage license is established under
57 authority of this section; and

58 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit

59 in the Children's Legal Defense Account.

60 (c) (i) As long as the Division of Child and Family Services, created in Section
61 [62A-4a-103](#), has the responsibility under Section [62A-4a-105](#) to provide services, including
62 temporary shelter, for victims of domestic violence, the county clerk shall:

63 (A) collect \$10 in addition to whatever fee for a marriage license is established under
64 authority of this section, in addition to the amount described in Subsection (2)(b), if an
65 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

66 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
67 Division of Finance for distribution to the Division of Child and Family Services for the
68 operation of shelters for victims of domestic violence.

69 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license
70 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

71 (B) An applicant for a marriage license may choose not to pay the additional \$10
72 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
73 marriage license.

74 (d) If the reduction in Subsection [30-1-34](#)(1) is not given, the county clerk shall
75 transmit \$20 from each marriage license fee collected in accordance with Section [30-1-7](#) to the
76 Division of Finance for deposit into the Marriage Education Fund, created in Section
77 [62A-1-121](#).

78 (3) Each county clerk shall keep a record of the number and proportion of marriage
79 license applicants who receive the discounted license fee and make the data available to the
80 Utah Marriage Commission on an annual basis.

81 [~~3~~] (4) This section does not apply to any fees currently being assessed by the state
82 but collected by county officers.

83 Section 2. Section [30-1-7](#) is amended to read:

84 **[30-1-7. Marriage licenses -- Fee -- Use within state -- Expiration.](#)**

85 (1) No marriage may be solemnized in this state without a license issued by the county
86 clerk of any county of this state.

87 (2) The fee for a marriage license shall be set by the legislative body of each county,
88 but may not be less than \$40.

89 [~~2~~] (3) A license issued within this state by a county clerk may only be used within

90 this state.

91 ~~[(3)]~~ (4) A license that is not used within 30 days of the date of issuance is void.

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

93 **30-1-30. Premarital counseling -- State policy -- Applicability.**

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

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

99 **30-1-34. Certificate of completion of counseling -- Reduction of license fee.**

100 (1) The county clerk of any county who issues a marriage license to applicants who
101 present a certificate of completion in accordance with Subsection (2) shall reduce the fee for
102 the license by \$20.

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

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

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

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

110 (iii) a licensed counselor;

111 (iv) an individual certified by the National Council on Family Relations as a certified
112 family life educator;

113 (v) a Family and Consumer Sciences educator;

114 (vi) an individual who is an approved instructor of a premarital education curriculum
115 that meets the requirements of Subsection (2)(b); or

116 (vii) an online course approved by the Utah Marriage Commission.

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

119 (i) commitment in marriage;

120 (ii) the adverse effects of childhood trauma on a child's developing brain and the

121 importance of providing a safe and nurturing environment for children;

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

124 (iv) effective financial management.

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

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

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

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

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

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

139 Section 5. Section **30-1-36** is repealed and reenacted to read:

140 **30-1-36. Activities included in premarital education or counseling.**

141 (1) Premarital education may include lectures, classes, or seminars provided by an
 142 individual meeting the requirements of Subsections 30-1-34(2)(a)(v) through (vi). Premarital
 143 education may also include an online course in accordance with Subsection 30-1-34(2)(a)(vii).

144 (2) Premarital counseling may include individual, couple, or group counseling with an
 145 individual meeting the requirements of Subsections 30-1-34(2)(a)(i) through (iv).

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

147 **30-1-39. Violation of counseling provisions -- Misdemeanor.**

148 Any person [~~coming within the provisions of this act~~] who falsely represents that [~~he~~]
 149 the person has complied with the requirements of [~~a master plan for premarital counseling or~~
 150 who,] Section 30-1-34 or who colludes with another for the purpose of [~~evading the provisions~~
 151 of this act, applies for a marriage license in a county within the state of Utah which does not

152 ~~require premarital counseling,]~~ receiving the benefit of Subsection 30-1-34(1) is guilty of [a
153 ~~misdemeanor]~~ an infraction.

154 Section 7. Section **62A-1-120** is amended to read:

155 **62A-1-120. Utah Marriage Commission.**

156 (1) As used in this section, "commission" means the Utah Marriage Commission
157 created by this section.

158 (2) There is created within the department the "Utah Marriage Commission."

159 (3) The commission shall consist of 17 members appointed as follows:

160 (a) two members of the Senate appointed by the president of the Senate;

161 (b) two members of the House of Representatives appointed by the speaker of the
162 House of Representatives;

163 (c) six current or former representatives from marriage and family studies departments,
164 social or behavioral sciences departments, health sciences departments, colleges of law, or
165 other related and supporting departments at institutions of higher education in this state, as
166 shall be appointed by the governor;

167 (d) five representatives selected and appointed by the governor from among the
168 following groups:

169 (i) social workers who are or have been licensed under Title 58, Chapter 60, Part 2,
170 Social Worker Licensing Act;

171 (ii) psychologists who are or have been licensed under Title 58, Chapter 61,
172 Psychologist Licensing Act;

173 (iii) physicians who are or have been board certified in psychiatry and are or have been
174 licensed under Title 58, Chapter 67, Utah Medical Practice Act;

175 (iv) marriage and family therapists who are or have been licensed under Title 58,
176 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;

177 (v) representatives of faith communities;

178 (vi) public health professionals;

179 (vii) representatives of domestic violence prevention organizations; or

180 (viii) legal professionals; and

181 (e) two representatives of the general public appointed by the members of the
182 commission appointed under Subsections (3)(a) through (d).

183 (4) (a) A member appointed under Subsections (3)(c) through (e) shall serve for a term
184 of four years. A member may be appointed for subsequent terms.

185 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
186 or reappointment, adjust the length of terms to ensure that the terms of commission members
187 are staggered so that approximately half of the commission is appointed every two years.

188 (c) A commission member shall serve until a replacement is appointed and qualified.

189 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
190 appointed for the unexpired term in the same manner as the original appointment.

191 (5) (a) The commission shall annually elect a chair from its membership.

192 (b) The commission shall hold meetings as needed to carry out its duties. A meeting
193 may be held on the call of the chair or a majority of the commission members.

194 (c) Nine commission members constitute a quorum and, if a quorum exists, the action
195 of a majority of commission members present constitutes the action of the commission.

196 (6) (a) A commission member who is not a legislator may not receive compensation or
197 benefits for the commission member's service, but may receive per diem and travel expenses as
198 allowed in:

199 (i) Section [63A-3-106](#);

200 (ii) Section [63A-3-107](#); and

201 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
202 [63A-3-107](#).

203 (b) Compensation and expenses of a commission member who is a legislator are
204 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and
205 Expenses.

206 (7) The department shall staff the commission.

207 (8) The commission shall:

208 (a) promote coalitions and collaborative efforts to uphold and encourage a strong and
209 healthy culture of strong and lasting marriages and stable families;

210 (b) contribute to greater awareness of the importance of marriage and leading to
211 reduced divorce and unwed parenthood in the state;

212 (c) promote public policies that support marriage;

213 (d) promote programs and activities that educate individuals and couples on how to

214 achieve strong, successful, and lasting marriages, including promoting and assisting in the
215 offering of:

- 216 (i) events;
- 217 (ii) classes and services, including those designed to promote strong, healthy, and
218 lasting marriages and prevent domestic violence;
- 219 (iii) marriage and relationship education conferences for the public and professionals;

220 and

- 221 (iv) enrichment seminars;
- 222 (e) actively promote measures designed to maintain and strengthen marriage, family,
223 and the relationships between husband and wife and parents and children; [~~and~~]

224 (f) support volunteerism and private financial contributions and grants in partnership
225 with the commission and in support of the commission's purposes and activities for the benefit
226 of the state as provided in this section[-];

227 (g) regularly publicize information on premarital education or counseling services or
228 classes available in the state that meet the requirements as specified in Subsection 30-1-34(2);
229 and

230 (h) administer the Marriage Education Account established in Section 62A-1-121.

231 (9) Funding for the commission shall be as approved by the Legislature through annual
232 appropriations and the added funding sought by the commission from private contributions and
233 grants that support the duties of the commission described in Subsection (8).

234 (10) The commission shall provide a report to the Social Services Appropriations
235 Subcommittee during the 2022 annual General Session covering:

- 236 (a) the number of couples who used the program;
- 237 (b) percentages of participation throughout the state;
- 238 (c) expected outcomes of the program, and whether they were met; and
- 239 (d) recommendations regarding the continuance of the program.

240 Section 8. Section **62A-1-121** is enacted to read:

241 **62A-1-121. Marriage Education Restricted Account.**

242 (1) There is created within the General Fund a restricted account known as the
243 "Marriage Education Account."

244 (2) The restricted account shall be funded from the fee collected by the county clerk in

245 Subsection 17-16-21(2)(d).

246 (3) The restricted account shall be used to fund, support, and promote education
247 programs in accordance with Subsection 62A-1-120(8)(d).

248 (4) The restricted account may accrue interest, which shall be deposited into the
249 restricted account.

250 (5) At the close of any fiscal year, any balance in the fund in excess of \$300,000 shall
251 be transferred to the General Fund.

252 Section 9. **Repealer.**

253 This bill repeals:

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

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

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

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

261 Section **30-1-37, Confidentiality of information obtained under counseling**
262 **provisions.**

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

264 Section 10. **Effective date.**

265 This bill takes effect on January 1, 2017.