

**MARRIAGE AND PREMARITAL COUNSELING AND
EDUCATION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to marriage.

Highlighted Provisions:

This bill:

▶ authorizes the county clerk to increase the marriage license fee and requires deposit of the increase amount in a specific restricted account unless certain conditions are met;

▶ addresses premarital counseling or education, including:

- certifying completion of premarital counseling or education;
- reducing the marriage license fee if requirements for premarital counseling or education are met;
- providing what activities are included in premarital counseling and education;

and

• imposing a penalty;

▶ outlines duties of the Utah Marriage Commission, including providing rulemaking authority;

▶ creates the Marriage Education Restricted Account; and

▶ makes technical changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **17-16-21**, as last amended by Laws of Utah 2013, Chapter 278

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

35 **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64

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

37 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64

38 **62A-1-120**, as last amended by Laws of Utah 2014, Chapter 387

39 ENACTS:

40 **62A-1-121**, Utah Code Annotated 1953



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

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

44 **17-16-21. Fees of county officers.**

45 (1) As used in this section, "county officer" means ~~[all of the]~~ a county ~~[officers]~~
46 officer enumerated in Section **17-53-101** except a county ~~[recorders, county constables, and~~
47 ~~county sheriffs]~~ recorder, a county constable, or a county sheriff.

48 (2) (a) ~~[Each]~~ A county officer shall collect, in advance, for exclusive county use and
49 benefit:

50 (i) ~~[all fees]~~ a fee established by the county legislative body under Section **17-53-211**;
51 and

52 (ii) any other ~~[fees]~~ fee authorized or required by law.

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

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

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

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

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

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

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

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

73 (d) If a county operates an online marriage application system, the county clerk of that
74 county:

75 (i) may assess \$20 in addition to the other fees for a marriage license established under
76 this section;

77 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
78 license fee to the Division of Finance for deposit in the Marriage Education Restricted
79 Account, created in Section 62A-1-121; and

80 (iii) may not transmit \$20 from the marriage license fee to the Division of Finance
81 under this Subsection (2)(d) if both individuals seeking the marriage license certify that they
82 have completed premarital counseling or education in accordance with Section 30-1-34.

83 (3) This section does not apply to [~~any fees~~] a fee currently being assessed by the state
84 but collected by a county [~~officers~~] officer.

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

86 **30-1-30. Premarital counseling or education -- State policy -- Applicability.**

87 It is the policy of the state [~~of Utah~~] to enhance the possibility of couples to achieve
88 more stable, satisfying, and enduring marital and family relationships by providing
89 opportunities for and encouraging the use of premarital counseling [~~prior to~~] or education

90 before securing a marriage license [by persons under 19 years of age and by persons who have
91 been previously divorced].

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

93 **30-1-34. Certificate of completion of counseling or education.**

94 (1) The county clerk of [any] a county [which has adopted this act shall issue a
95 marriage license to those applicants who come within the premarital counseling requirements
96 of this act when the applicants present a certificate from the premarital counseling board that
97 the counseling has been completed or has been found to be adequate if the license application
98 otherwise conforms to the requirements for issuance of a marriage license. For those applicants
99 who would otherwise need approval of the district court in order to marry, the certificate shall
100 take the place of court consent if the parents, guardian or custodial parent of the applicant have
101 given their consent to the marriage.] that operates an online marriage application system and
102 issues a marriage license to applicants who certify completion of premarital counseling or
103 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

104 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify
105 completion of premarital counseling or education in accordance with this Subsection (2).

106 (b) To complete premarital counseling or education, the applicants:

107 (i) shall obtain the premarital counseling or education from:

108 (A) a licensed or ordained minister or the minister's designee who is trained by the
109 minister or denomination to conduct premarital counseling or education;

110 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional
111 Practice Act;

112 (C) an individual certified by a national organization recognized by the Utah Marriage
113 Commission, created in Section [62A-1-120](#), by rule made in accordance with Title 63G,
114 Chapter 3, Utah Administrative Rulemaking Act, as a family life educator;

115 (D) a family and consumer sciences educator;

116 (E) an individual who is an instructor approved by a premarital education curriculum
117 that meets the requirements of Subsection (2)(b)(ii); or

118 (F) an online course approved by the Utah Marriage Commission by rule made in
119 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

120 (ii) receive premarital counseling or education that includes information on important

121 factors associated with strong and healthy marriages, including:

122 (A) commitment in marriage; and

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

125 (iii) complete at least three hours of premarital counseling or six hours of premarital
126 education meeting the requirements of this Subsection (2); and

127 (iv) complete the premarital counseling or education meeting the requirements of this
128 Subsection (2) not more than one year before but at least 14 days before the day on which the
129 marriage license is issued.

130 (c) Although applicants are encouraged to take the premarital counseling or education
131 together, each applicant may comply with the requirements of this Subsection (2) separately.

132 (3) A provider of premarital counseling or education under this section is encouraged
133 to use research-based relationship inventories.

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

135 **30-1-36. Activities included in premarital counseling or education.**

136 (1) Premarital counseling [as used in this act shall] may include [but not be limited to
137 lectures,] group counseling, individual counseling [and testing], and couple counseling.

138 (2) Premarital education may include:

139 (a) a lecture, class, seminar, or workshop provided by a person that meets the
140 requirements of Subsection [30-1-34\(2\)\(b\)\(i\)](#); or

141 (b) an online course approved by the Utah Marriage Commission as provided in
142 Subsection [30-1-34\(2\)\(b\)\(i\)\(F\)](#).

143 Section 5. Section **30-1-39** is amended to read:

144 **30-1-39. Violation of counseling provisions -- Misdemeanor.**

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

151 Section 6. Section **62A-1-120** is amended to read:

152 **62A-1-120. Utah Marriage Commission.**

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

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

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

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

158 (b) two members of the House of Representatives appointed by the speaker of the
159 House of Representatives;

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

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

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

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

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

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

174 (v) representatives of faith communities;

175 (vi) public health professionals;

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

177 (viii) legal professionals; and

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

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

182 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment

183 or reappointment, adjust the length of terms to ensure that the terms of commission members
184 are staggered so that approximately half of the commission is appointed every two years.

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

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

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

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

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

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

196 (i) Section 63A-3-106;

197 (ii) Section 63A-3-107; and

198 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
199 63A-3-107.

200 (b) Compensation and expenses of a commission member who is a legislator are
201 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
202 Expenses.

203 (7) The department shall staff the commission.

204 (8) The commission shall:

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

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

209 (c) promote public policies that support marriage;

210 (d) promote programs and activities that educate individuals and couples on how to
211 achieve strong, successful, and lasting marriages, including promoting and assisting in the
212 offering of:

213 (i) events;

214 (ii) classes and services, including those designed to promote strong, healthy, and
215 lasting marriages and prevent domestic violence;

216 (iii) marriage and relationship education conferences for the public and professionals;
217 and

218 (iv) enrichment seminars;

219 (e) actively promote measures designed to maintain and strengthen marriage, family,
220 and the relationships between [~~husband and wife~~] spouses and parents and children; [~~and~~]

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

224 (g) regularly publicize information on premarital counseling and education services
225 available in the state that comply with Section 30-1-34;

226 (h) approve, by rule issued under Title 63G, Chapter 3, Utah Administrative
227 Rulemaking Act, an online course meeting the requirements of Section 30-1-34;

228 (i) for purposes of Section 30-1-34, by rule issued under Title 63G, Chapter 3, Utah
229 Administrative Rulemaking Act, recognize one or more national organizations that certify
230 family life instructors; and

231 (j) administer the Marriage Education Restricted Account established in Section
232 62A-1-121.

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

236 Section 7. Section **62A-1-121** is enacted to read:

237 **62A-1-121. Marriage Education Restricted Account.**

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

240 (2) The Marriage Education Restricted Account shall consist of:

241 (a) money deposited under Subsection 17-16-21(2)(d); and

242 (b) interest earned on the Marriage Education Restricted Account.

243 (3) At the close of any fiscal year, any balance in the Marriage Education Restricted
244 Account in excess of \$400,000 shall be transferred to the General Fund.

245 (4) Subject to appropriation of the Legislature, the Utah Marriage Commission shall
246 use the Marriage Education Restricted Account to fund marriage strengthening education
247 services across the state in accordance with Section [62A-1-120](#).

248 Section 8. **Effective date.**

249 This bill takes effect September 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel