

BILL ANALYSIS

H.B. 2685
By: Chisum
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Encouraging couples to undertake premarital education courses is intended to provide them with the skills necessary to resolve marital conflicts, which will make for stronger marriages that are less likely to end in failure. This is important because reports repeatedly demonstrate that the benefits of strong families are felt by adults and children alike. Married adults are far more likely to report that they are happy, and married mothers are half as likely to suffer from domestic violence. It is indisputable that marriage has a positive impact on the well-being of adults, children, and families, and that it improves satisfaction with life and fosters economic stability.

Current law recommends topics for premarital education courses but provides no incentives for applicants of a marriage license to attend the courses. House Bill 2685 would establish incentives for attending premarital counseling. The state of Texas would then use the marriage license waiting period and waiving of fees to reiterate the importance of strong marriages to all couples marrying under Texas law.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of health and services in SECTION 1 of this bill.

ANALYSIS

House Bill 2685 amends the Family Code to encourage applicants for marriage licenses to attend a premarital education course of at least eight hours during the year preceding the date of the application for the license. The bill provides that a premarital education course must include instruction in conflict management and communication skills. The bill provides that the course should be offered by instructors trained and certified in skill-based marriage preparation curricula. The bill authorizes marriage educators, clergy or their designees, licensed mental health professionals, faith-based organizations, and community-based organizations to provide courses. The bill provides that the curricula of premarital education courses must provide the skill-based and research-based criteria of the United States Department of Health and Human Services healthy marriage initiative, the Coalition for Marriage, Family, and Couples Education, or other similar resources.

The bill authorizes an applicant who is unable to pay the course fee to apply for a scholarship from the Texas Health and Human Services Commission (HHSC). The bill requires the executive commissioner by rule to establish a scholarship program funded by money available under the federal Temporary Assistance for Needy Families block grant during each state fiscal biennium to fund programs that support the development of healthy marriages and strengthen families. The bill requires the executive commissioner of the HHSC to establish guidelines that use a sliding scale determination of eligibility for the scholarship program. The bill requires the HHSC to give equal consideration to premarital education courses provided by secular or faith-based programs. The bill requires a marriage education course provider to give a signed and dated certificate to every couple that completes the course of instruction. The bill provides that the certificate must include the name of the course, the name of the provider, and the completion date.

The bill provides an exemption to the 72 hour waiting period after the issuance of a marriage license for a couple who has completed a premarital education course and provides to the county

clerk a premarital education course completion certificate indicating completion not more than one year before the date the marriage license application is filed.

H.B. 2685 amends the Local Government Code to increase the fee for a marriage license to \$60.00. The bill requires the county clerk to issue a marriage license without collecting a fee from applicants who have completed a premarital education course and provided to the county clerk a certificate of completion indicating completion not more than one year before the date the marriage license application is filed with the clerk. The bill requires the county clerk to deposit \$30 of each fee collected for issuing a marriage license or \$12.50 of each fee for recording a declaration of informal marriage to be sent to the comptroller and deposited to the credit of the child abuse and neglect prevention trust fund account.

EFFECTIVE DATE

September 1, 2007.