

By: Chisum, Flynn, Zedler, Davis of Harris,
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H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.013, Family Code, is amended to read as follows:

Sec. 2.013. PREMARITAL EDUCATION COURSES [~~REQUIREMENTS, WAIVER~~]. (a) Each person applying for a marriage license is encouraged to attend a premarital education course of at least eight [~~four~~] hours during the year preceding the date of the application for the license.

(b) [~~The course under Subsection (a) may be completed by:~~

[~~(1) personal instruction,~~

[~~(2) videotape instruction,~~

[~~(3) instruction through an electronic medium, or~~

[~~(4) a combination of these methods.~~

[~~(c)~~] A premarital education course must [~~should~~] include instruction in:

(1) conflict management;

(2) communication skills;

(3) family violence and its destructive effects on the family [~~children and parenting responsibilities~~]; and

(4) early childhood development and parenting [~~financial responsibilities~~].

1 (c) [~~(d)~~] A course under this section should be offered by
2 instructors trained and certified in a skill-based marriage
3 preparation curricula. The following individuals and
4 organizations may provide courses:

5 (1) marriage educators [~~a mental health professional~~
6 ~~who holds at least a master's degree with a background in family~~
7 ~~therapy]; [~~or~~]~~

8 (2) clergy or their designees;

9 (3) licensed mental health professionals;

10 (4) faith-based organizations; and

11 (5) community-based organizations [~~a religious~~
12 ~~practitioner who performs counseling consistent with the laws of~~
13 ~~this state or another person designated as a program counselor by a~~
14 ~~church or religious institution)].~~

15 (d) The curricula of a premarital education course must meet
16 the requirements of this section and provide the skill-based and
17 research-based curricula of:

18 (1) the United States Department of Health and Human
19 Services healthy marriage initiative;

20 (2) the Coalition for Marriage, Family, and Couples
21 Education; or

22 (3) other similar resources.

23 (e) [~~Each county clerk may maintain a roster of area course~~
24 ~~providers who meet the requirements of this section, including~~
25 ~~providers who offer the course on a sliding scale or without charge.~~
26 ~~The clerk may provide a copy of the roster on request to an~~
27 ~~applicant for a marriage license.~~

1 ~~[(f)]~~ An applicant for a marriage license who takes a course
2 under this section shall pay any fee charged for the course. An
3 applicant who is unable to pay the course fee may apply for a
4 scholarship under this subsection. The executive commissioner of
5 health and human services by rule shall provide for the
6 establishment of a scholarship program funded by money available
7 under the federal Temporary Assistance for Needy Families block
8 grant during each state fiscal biennium to fund programs that
9 support the development of healthy marriages or strengthen
10 families. The executive commissioner shall establish guidelines
11 that use a sliding scale if practicable. In awarding scholarships,
12 the Health and Human Services Commission shall give equal
13 consideration to courses provided by secular and faith-based
14 programs.

15 (f) ~~[(g)]~~ A person who provides a premarital education
16 course shall provide a signed and dated completion certificate to
17 each individual who completes the course. The certificate must
18 include the name of the course, the name of the course provider, and
19 the completion date ~~[seeks to be listed as a course provider on a~~
20 ~~list maintained under Subsection (e) shall notify the county clerk~~
21 ~~of the county in which the person intends to offer a course. The~~
22 ~~notification must include the applicant's professional license~~
23 ~~number or evidence of the person's position or affiliation with a~~
24 ~~church or religious institution, as appropriate, and an address at~~
25 ~~which the course provider may be contacted].~~

26 SECTION 2. Section 2.204(b), Family Code, is amended to
27 read as follows:

1 (b) The 72-hour waiting period after issuance of a marriage
2 license does not apply to an applicant who:

3 (1) is a member of the armed forces of the United
4 States and on active duty;

5 (2) is not a member of the armed forces of the United
6 States but performs work for the United States Department of
7 Defense as a department employee or under a contract with the
8 department; ~~[or]~~

9 (3) obtains a written waiver under Subsection (c); or

10 (4) completes a premarital education course described
11 by Section 2.013, and who provides to the county clerk a premarital
12 education course completion certificate indicating completion of
13 the premarital education course not more than one year before the
14 date the marriage license application is filed with the clerk.

15 SECTION 3. Section 31.015, Human Resources Code, is amended
16 by adding Subsection (g) to read as follows:

17 (g) The healthy marriage trust fund account is an account in
18 the general revenue fund that may be appropriated only to the Health
19 and Human Services Commission for the purposes and activities
20 authorized by this section and for reasonable administrative
21 expenses under this section. The account is exempt from the
22 application of Section 403.095, Government Code. The account
23 consists of:

24 (1) all money appropriated for the purposes of this
25 section;

26 (2) any gifts, grants, or donations received for the
27 purposes of this section; and

1 (3) interest earned on money in the account.

2 SECTION 4. Section 118.018, Local Government Code, is
3 amended by amending Subsections (a) and (c) and adding Subsections
4 (a-1) and (b-1) to read as follows:

5 (a) The fee for "Marriage License" under Section 118.011 is
6 for issuing a marriage license. The fee must be paid at the time the
7 license is issued, except as provided by Subsection (b-1).

8 (a-1) If the marriage license fees collected by a county do
9 not cover the costs the county incurs in issuing marriage licenses,
10 the state shall pay the county the amount of the deficiency.

11 (b-1) The county clerk shall issue a marriage license
12 without collecting a fee from an applicant who:

13 (1) completes a premarital education course described
14 by Section 2.013, Family Code; and

15 (2) provides to the county clerk a premarital
16 education course completion certificate indicating completion of
17 the premarital education course not more than one year before the
18 date the marriage license application is filed with the clerk.

19 (c) A county clerk who collects a fee under this section
20 from a marriage license applicant shall deposit \$6 [~~\$3~~] of that fee
21 to be sent to the comptroller as provided by Subchapter B, Chapter
22 133, for deposit in the family trust fund established under Section
23 2.014, Family Code.

24 SECTION 5. Section 118.022, Local Government Code, is
25 amended to read as follows:

26 Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND
27 DECLARATION FEES. (a) If the county clerk collects a fee for

1 issuing a marriage license, the ~~[The]~~ county clerk shall deposit,
2 as provided by Subchapter B, Chapter 133:

3 (1) \$12~~[, \$12.50]~~ of each fee collected for issuing
4 ~~[issuance of]~~ a marriage license or \$12.50 of each fee for recording
5 a declaration of informal marriage to be sent to the comptroller and
6 deposited as provided by Subsection (b);

7 (2) \$12 of each fee collected for issuing a marriage
8 license to be sent to the comptroller and deposited as provided by
9 Subsection (c); and

10 (3) \$6 of each fee collected for issuing a marriage
11 license to be sent to the comptroller and deposited as provided by
12 Subsection (d).

13 (b) The comptroller shall deposit the money received under
14 Subsection (a)(1) ~~[this section]~~ to the credit of the child abuse
15 and neglect prevention trust fund account established under Section
16 40.105, Human Resources Code.

17 (c) The comptroller shall deposit the money received under
18 Subsection (a)(2) to the credit of the healthy marriage trust fund
19 account established under Section 31.015(g), Human Resources Code.

20 (d) The comptroller shall deposit the money received under
21 Subsection (a)(3) to the credit of the family trust fund account
22 established under Section 2.014, Family Code.

23 SECTION 6. This Act takes effect September 1, 2007.