

Premarital Preparation Requirements in State Law

Some states have created premarital incentives in state law.

Background

Research indicates that premarital preparation can be an effective strategy in supporting healthy marriage and reducing divorce^{1,2}. To encourage couples to participate in premarital preparation (commonly referred to as premarital counseling or marriage education) some states have created an incentive in state law. This incentive is a reduction in the marriage license fee for couples who participate in premarital preparation.

Research indicates that premarital preparation can be an effective strategy in supporting healthy marriage and reducing divorce^{1,2}.

Figure 1. Overview of State Marriage License Fee Reduction Laws

State	Marriage License Fee	Fee with Premarital Preparation	Number of Hours Required	Details
Florida	\$88.50	\$56	4 hours	Specifies qualified providers. Allows instruction delivered over “electronic medium.”
Georgia	Varies	Varies	6 hours	License fee varies by county and although the marriage license fee is waived, other fees may apply.
Maryland	Varies	Varies	4 hours	License fee varies by county.
Minnesota	\$100	\$30	12 hours	Requires use of premarital inventory.
Oklahoma	\$50	\$5	4 hours	Must be conducted by a “health professional” as defined. Encourages use of Prevention and Relationship Enhancement Program (PREP).
Tennessee	Varies	(Reduced by \$40)	N/A	Fee reduction only applies to state residents.
Texas	\$60	Free	8 hours	Must be a skills-based and research-based curriculum; HHSC must maintain a public Web site with information on premarital preparation.

Definition

Premarital education is a class or series of classes that both members of an engaged couple participate in prior to their wedding that involves learning conflict resolution and communication skills.

Headlines/Trends

As of July 2007, seven states have marriage license fee reduction laws. The reduction varies by state (and even by county in some states) and the requirements also vary, see Figure 1. The premarital preparation requirement is typically 4 to 12 hours of marriage counseling or education offered by a qualified professional.

Typically county clerks maintain a list of premarital education service providers to validate the certificate which proves that a couple participated. Couples are usually required to pay for the marriage preparation workshop which can cost up to \$500, depending on the duration and provider. Some organizations have received state and/or federal grants to offer low- to no-cost premarital education programs to alleviate this potential burden on couples. Typically, premarital education workshops must be completed within six to 12 months prior to the marriage.

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Additional states have considered this strategy to encourage premarital preparation. However, there is concern that this policy may result in a decrease in marriage among low-income couples because 1) the barrier to access low- or no-cost premarital education or 2) some states increased the overall marriage license fee to create an incentive for participating in premarital education. Further, without public aware-

ness about the benefits of premarital preparation and access to quality premarital preparation workshops, many couples may not learn about premarital education opportunities in time to complete a workshop prior to getting married. Finally, debates continue about the number of hours necessary and the type of premarital preparation (i.e. what constitutes premarital counseling?) necessary to be effective and who is most effective at delivering services (e.g. pastors/clergy, trained lay marriage educators, mentor couples, counselors, social workers, etc.).

Issues remain with the implementation and effectiveness of these strategies. At this time no known research has been done to document the effectiveness of these strategies, although research does support the value of premarital education. Couples who participate in premarital education may decide not to marry and are likely to be better prepared to succeed if they do marry. Also, we do not have a clear understanding of the rates of take-up, because at a state level, the number of couples who are receiving reduced fee marriage licenses is not tabulated and available. In addition, the quality of the services in which they participated is difficult to gauge.

Data Source

The following attachments include a summary of the state statute, the citation and the web site for state laws.

Attachment A: Florida

Attachment B: Georgia

Attachment C: Maryland

Attachment D: Minnesota

Attachment E: Oklahoma

Attachment F: Tennessee

Attachment G: Texas

Attachment A: Florida

Summary: The fee is reduced by \$32.50 (from \$88.50 to \$56) if a couple completes a 4-hour premarital course given by a provider registered with the Clerk of Circuit Court.

Link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0741/SEC0305.HTM&Title=-%3E2000-%3ECh0741-%3ESection%200305

Statute: Florida Statutes 741.0305

741.0305 Marriage fee reduction for completion of premarital preparation course.--

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by \$32.50.

(2) The premarital preparation course may include instruction regarding:

- (a) Conflict management.
- (b) Communication skills.
- (c) Financial responsibilities.
- (d) Children and parenting responsibilities.
- (e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.
3. A marriage and family therapist licensed under chapter 491.
4. A mental health counselor licensed under chapter 491.
5. An official representative of a religious institution which is recognized under s. 496.404(19), if the represen-

tative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

(b) The costs of such premarital preparation course shall be paid by the applicant.

(4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

(5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

Attachment B: Georgia

Summary: Couples who complete 6 hours of premarital education will not pay the marriage license fee, however other fees may be applicable.

Link: <http://www.lexis-nexis.com/hottopics/gacode/Default.asp>

Statute: Georgia Code Title 19

§ 19-3-30.1. Premarital education

(a) In applying for a marriage license, a man and woman who certify on the application for a marriage license that they have successfully completed a qualifying premarital education program shall not be charged a fee for a marriage license. The premarital education shall include at least six hours of instruction involving marital issues, which may include but not be limited to conflict management, communication skills, financial responsibilities, child and parenting responsibilities, and extended family roles. The premarital education shall be completed within 12 months prior to the application for a marriage license and the couple shall undergo the premarital education together. The premarital education shall be performed by:

(1) A professional counselor, social worker, or marriage and family therapist who is licensed pursuant to Chapter 10A of Title 43;

(2) A psychiatrist who is licensed as a physician pursuant to Chapter 34 of Title 43;

(3) A psychologist who is licensed pursuant to Chapter 39 of Title 43; or

(4) An active member of the clergy when in the course of his or her service as clergy or his or her designee, including retired clergy, provided that a designee is trained and skilled in premarital education.

(b) Each premarital education provider shall furnish each participant who completes the premarital education required by this Code section a certificate of completion.

Attachment C: Maryland

Summary: Marriage license fees start at \$35, and the fee varies by county. Each county may choose to discount the rate if a couple completes a premarital education course.

Link: http://mlis.state.md.us/cgi-win/web_statutes.exe?gfl&2-404.1

Statute: Family Law section of state statutes § 2-404.1.

- (a)
 - (1) A county may discount a marriage license fee under § 2-404(a) of this subtitle if the couple to be married has completed, within 1 year before the date of the application for the license, a premarital preparation course that meets the requirements specified in this section.
 - (2) The amount of any discount shall be determined by the county governing body.
 - (b) A premarital preparation course shall:
 - (1) include instruction regarding:
 - (i) conflict management;
 - (ii) communication skills;
 - (iii) financial responsibilities; and
 - (iv) children and parenting responsibilities; and
 - (2) consist of at least 4 hours of instruction.
 - (c) A premarital preparation course may be conducted by:
 - (1) a clinical professional counselor or a clinical marriage and family therapist licensed under Title 17, Subtitle 3A of the Health Occupations Article;
 - (2) a psychologist licensed under Title 18 of the Health Occupations Article;
 - (3) a social worker licensed under Title 19 of the Health Occupations Article;
 - (4) an official representative of a religious institution if the representative has relevant training; or
 - (5) any other qualified provider approved by a county governing body.
- (d)
 - (1) A premarital preparation course provider shall register with the clerk by filing a written affidavit containing: www.healthymarriageinfo.org Page 7 9/4/2007
 - (i) the provider's name, address, and telephone number;
 - (ii) a summary of the provider's qualifications and training; and

(iii) a statement that the provider shall comply with the course requirements specified in this section.

(2) The clerk may establish a roster of area premarital preparation course providers, including those who offer the course on a sliding fee scale or for free.

(e) (1) A premarital preparation course provider shall provide to each couple who completes the course a certificate of completion that specifies:

(i) the names of the couple;

(ii) the name of the provider; and

(iii) the date of completion of the course.

(2) To receive a discounted marriage license fee under this section, an applicant for a license shall verify completion of a premarital preparation course by filing with the clerk a valid certificate of course completion issued in accordance with paragraph (1) of this subsection.

(f) Any cost for a premarital preparation course shall be paid by the applicant for a marriage license.

(g) The discount authorized by this section may not be applied to any fee used to fund domestic violence programs.

Attachment D: Minnesota

Summary: The \$100 fee is reduced to \$30 if a couple completes 12 hours of marriage education.

Link: http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&year=2006§ion=517.08

Statute: Minnesota Statutes Section 517.08

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$100 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$30. In order to qualify for the reduced fee, the parties must submit a signed and dated statement from the person who provided the premarital education confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills. (c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a marriage license, the local registrar shall grant the marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request. Subd. 1c.

Disposition of license fee. (a) Of the marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$15 must be retained by the county. The local registrar must pay \$85 to the commissioner of finance to be deposited as follows:

(1) \$50 in the general fund;

(2) \$3 in the special revenue fund to be appropriated to the commissioner of education for parenting time centers under section 119A.37;

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255;

(4) \$25 in the special revenue fund is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96; and

(5) \$5 in the special revenue fund is appropriated to the commissioner of human services for the Minnesota Healthy Marriage and Responsible Fatherhood Initiative under section 256.742.

(b) Of the \$30 fee under subdivision 1b, paragraph (b), \$15 must be retained by the county.

The local registrar must pay \$15 to the commissioner of finance to be deposited as follows:

(1) \$5 as provided in paragraph (a), clauses (2) and (3); and

(2) \$10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96.

(c) The increase in the marriage license fee under paragraph (a) provided for in Laws 2004, chapter 273, and disbursement of the increase in that fee to the special fund for the Minnesota Healthy Marriage and Responsible Fatherhood Initiative under paragraph (a), clause (5), is contingent upon the receipt of federal funding under United States Code, title 42, section 1315, for purposes of the initiative.

Subd. 2.[Repealed, 1978 c 699 s 17]

Subd. 3.[Repealed, 1978 c 699 s 17]

Subd. 4. Report. The local registrar of each county shall annually report to the Department of Health the number of marriage licenses issued in the county for which the fee in subdivision 1b, paragraph (a), was paid and the number for which the fee in subdivision 1b, paragraph (b), was paid.

Attachment E: Oklahoma

Summary: After completing 4 hours of premarital education the marriage license fee is reduced from \$50 to \$5.

Link: <http://www.oklahomacounty.org/courtclerk/marriage.asp>

Statute: Oklahoma Statutes Title 43, Section 5.1

A. The clerk of the district court shall reduce the fee for a marriage license as prescribed by Section 31 of Title 28 of the Oklahoma Statutes to persons who have successfully completed a premarital counseling program meeting the conditions specified by this section.

B. 1. A premarital counseling program shall be conducted by a health professional, an official representative of a religious institution, or a person trained by the principal authors or duly authorized agents of the principal authors of nationally recognized marriage education curriculum including, but not limited to, Prevention & Relationship Enhancement Program (PREP). Upon successful completion of the program, the counseling program provider shall issue to the persons a certificate signed by the instructor of the counseling program. The certificate shall state that the named persons have successfully completed the premarital counseling requirements. A minimum of four (4) hours of education or counseling shall be necessary for successful completion of the marriage education curriculum.

2. For purposes of this subsection, the term "health professional" means a person licensed or certified by this state to practice psychiatry or psychology; a licensed social worker with experience in marriage counseling; a licensed marital and family therapist; or a licensed professional counselor.

Attachment F: Tennessee

Summary: The marriage license fee is reduced by \$60 for couples that completed premarital education. The marriage license fee varies but is about \$100 for those who do not complete a premarital education course and are state residents.

Link: <http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=>

Statute: Tennessee Code Title 36 Section 6 subsection 413

(2) There is hereby imposed an additional fee of sixty-two dollars and fifty cents (\$62.50) on the issuance of a marriage license; provided, however, that, in any county having a municipality defined as a premier type tourist resort pursuant to § 67-6-103(a)(3)(B) when both applicants provide the county clerk with an affidavit or valid driver license establishing that they are not Tennessee residents, or when both applicants provide the county clerk with a valid and timely certificate of completion of a premarital preparation course as provided in subdivision (b)(3), the applicants shall be exempt from payment of sixty dollars (\$60.00) of this fee. For each application for marriage, including an application from persons exempt from the sixty dollar (\$60.00) fee, a fee of two dollars and fifty cents (\$2.50) shall be paid to the county clerk for the services provided under this section. The county clerk shall pay the sixty dollar (\$60.00) fee to the state treasurer, which fee shall be allocated as follows:

Attachment G: Texas

Summary: Texas law has encouraged premarital preparation since 1997 through state statute but the 2007 legislature passed an amendment to increase the overall marriage license fee to \$60. This fee is eliminated if the couple completes eight hours of premarital preparation.

Link: <http://www.legis.state.tx.us/tlodocs/80R/billtext/doc/HB02685F.doc>

Statute: See House Bill 2685 which was signed by the Governor on 6/15/2007. It amends Section 2.013 of the state code.

¹ Stanley, Scott. Making a Case for Premarital Education. Minneapolis: National Council on Family Relations, 2001.

² Jason S. Carroll, William J. Doherty, Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research, Family Relations 52 (2), 105–118, 2003. www.healthymarriageinfo.org Page 13 9/4/2007