

BILL ANALYSIS

Senate Research Center

H.B. 2685
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Health & Human Services
4/30/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law encourages individuals to attend a premarital education course of at least four hours during the year preceding the date of the application for the license, but there no incentives for individuals to attend a premarital course. Marriage license applicants participating in a premarital course are required to pay associated fees and choose a course based on the list provided by the county clerk. A marriage license fee of \$30 is required to be paid by the applicants. Additionally, individuals are required to wait 72 hours between receiving a license and getting married, except if they are active members of the armed forces, employees or contractors of the U.S. Department of Defense, and others who receive a written waiver from a judge.

As proposed, H.B. 2685 requires a premarital education course to include instruction in family violence and its destructive effects on the family and early childhood development and parenting, requires the course to be at least eight hours, authorizes an applicant who is unable to pay the course fee to apply for a scholarship, and waives the fee and 72-hour waiting period after issuance of a marriage license upon completion of a pre-marital course.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.013, Family Code, as follows:

Sec. 2.013. New heading: **PREMARITAL EDUCATION COURSES**. (a) Provides that each person applying for a marriage license is encouraged to attend a premarital education course of at least eight, rather than four, hours during the year preceding the date of the application for the license.

(b) Deletes existing text relating to the method which the course under Subsection (a) is authorized to be completed. Requires a premarital education course to include instruction in family violence and its destructive effects on the family, rather than children and parenting responsibilities; and early childhood development and parenting, rather than financial responsibilities.

(c) Redesignated from existing Subsection (d). Provides that a course under this section should be offered by instructors trained and certified in a skill-based marriage preparation curricula. Authorizes certain individuals and organizations to provide courses. Deletes existing text authorizing a mental health professional who holds at least a master's degree with a background in family therapy and a religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution to offer a course under this section.

(d) Requires the curricula of a premarital educational course to meet the requirements of this section and provide the skill-based and research-based curricula 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.

(e) Redesignated from existing Subsection (f). Deletes existing text authorizing each county clerk to maintain a roster of area course providers who meet the requirements of this section, including providers who offer the course on a sliding scale or without charge. Deletes existing text authorizing the clerk to provide a copy of the roster on request to an applicant for a marriage license. Requires an applicant for a marriage license who takes a course under this section to pay any fee charged for the course. Authorizes an applicant who is unable to pay the course fee to apply for a scholarship under this subsection. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to establish guidelines that use a sliding scale if practicable. Requires HHSC, in awarding scholarships, to give equal consideration to courses provided by secular and faith-based programs.

(f) Redesignated from existing Subsection (g). Requires a person who provides a premarital education course to provide a signed and dated completion certificate to each individual who completes the course. Requires the certificate to include the name of the course, the name of the course provider, and the completion date. Deletes existing text as it relates to the procedures for a person who seeks to be listed as a course provider.

SECTION 2. Amends Section 2.204(b), Family Code, to provide that the 72-hour waiting period after issuance of a marriage license does not apply to an applicant who completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of premarital education course not more than one year before the date the marriage license application is filed with the clerk.

SECTION 3. Amends Section 31.015, Human Resources Code, by adding Subsection (g), as follows:

(g) Provides that the healthy marriage trust fund account (account) is an account in the general revenue fund that is authorized to be appropriated only to HHSC for the purposes and activities authorized by this section and for reasonable administrative expenses under this section. Exempts the account from the application of Section 403.095 (Use of Dedicated Revenue), Government Code. Provides that the account consists of all money appropriated for the purposes of this section, any gifts, grants, or donations received for the purposes of this section, and interest earned on money in the account.

SECTION 4. Amends Section 118.018, Local Government Code, by amending Subsections (a) and (c) and adding Subsections (a-1) and (b-1), as follows:

(a) Provides that the fee for "Marriage License" under Section 118.011 is for issuing a marriage license. Requires the fee to be paid at the time the license is issued, except as provided by Subsection (b-1).

(a-1) Requires the state to pay the county the amount of the deficiency, if the marriage license fees collected by a county do not cover the costs the county incurs in issuing marriage licenses.

(b-1) Requires the county clerk to issue a marriage license without collecting a fee from an applicant who completes a premarital education course described by Section 2.013, Family Code, and provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.

(c) Requires a county clerk who collects a fee under this section from a marriage license applicant to deposit \$6, rather than \$3, of the fee, to be sent to the comptroller of public accounts (comptroller) as provided by Subchapter B, Chapter 133, for deposit in the family trust fund established under Section 2.014, Family Code.

SECTION 5. Amends Section 118.022, Local Government Code, as follows:

Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND DECLARATION FEES. (a) Sets forth the manner in which a fee for issuing a marriage license, if collected by the county clerk, is to be allocated.

(b) Requires the comptroller to deposit the money received under Subsection (a)(1) to the credit of the child abuse and neglect prevention trust fund account established under Section 40.105, Human Resources Code.

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

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

SECTION 6. Effective date: September 1, 2007.