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SENATE FILE 217

BY SCHUERER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to marriage license conditions and procedures
2 including premarital education and marriage license fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 217 HUMAN RESOURCES

1 Section 1. Section 331.605, subsection 6, Code 2003, is
2 amended to read as follows:

3 6. a. (1) For Except as provided in subparagraph (2),
4 for filing an application for the license to marry, thirty-
5 five fifty dollars, which includes payment for one certified
6 copy of the original certificate of marriage, to be issued
7 following filing of the original certificate of marriage, four
8 dollars of which shall be retained by the county pursuant to
9 subsection 5 and fifteen dollars of which shall be retained by
10 the county recorder.

11 (2) For filing an application for the license to marry,
12 twenty dollars, if the applicants submit and the county
13 registrar approves the certificate of completion of premarital
14 education pursuant to section 595.3B. The fee includes
15 payment for one certified copy of the original certificate of
16 marriage, to be issued following filing of the original
17 certificate of marriage. Four dollars of the fee shall be
18 retained by the county pursuant to subsection 5.

19 b. For Unless a license becomes valid in accordance with
20 section 595.4, subsection 3, paragraph "a", for issuing an
21 application for an order of the district court authorizing the
22 validation of a license to marry before the expiration of
23 three thirty days from the date of issuance of the license,
24 five dollars. The district court shall authorize the early
25 validation of a marriage license without the payment of any
26 fees imposed in this subsection upon showing that the
27 applicant is unable to pay the fees.

28 Sec. 2. NEW SECTION. 595.3B APPLICATION -- PREMARITAL
29 EDUCATION.

30 1. An application form for a marriage license shall have
31 attached a certificate form to be used by the parties to
32 document completion of premarital education by the parties.
33 The certificate shall be completed by the parties and signed
34 by the person who provided the premarital education. The
35 certificate shall require provision of all of the following

1 information:

2 a. The name of the person providing the premarital
3 education and the person's signature verifying completion of
4 the premarital education by the parties.

5 b. The number of hours of premarital education completed.

6 c. Whether the premarital education was provided by
7 personal instruction, videotaped instruction, instruction via
8 other electronic media, or a combination of these methods.

9 2. Only premarital education provided by the following
10 persons meets the requirement of provision of premarital
11 education under this section:

12 a. A person ordained or designated as a leader of a
13 party's religious faith or the person's designee.

14 b. A person licensed to practice psychology pursuant to
15 chapter 154B or licensed to practice psychology in any other
16 state.

17 c. A person licensed to practice social work pursuant to
18 chapter 154C or licensed to practice social work in any other
19 state.

20 d. A person licensed to practice marital and family
21 therapy pursuant to chapter 154D or licensed to practice
22 marital and family therapy in any other state.

23 3. If the parties applying for a license to marry complete
24 the premarital education certificate and the certificate is
25 approved, the parties shall pay a license fee of only twenty
26 dollars pursuant to section 331.605, subsection 6.

27 Sec. 3. Section 595.4, Code 2003, is amended to read as
28 follows:

29 595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION --
30 WAITING PERIOD -- EXCEPTION.

31 1. Previous Prior to the issuance of any license to marry,
32 the parties desiring the license shall sign and file a
33 verified application with the county registrar which
34 application either may be mailed to the parties at their
35 request or may be signed by them at the office of the county

1 registrar in the county in which the license is to be issued.
2 The application shall include the social security number of
3 each applicant and shall set forth at least one affidavit of
4 some competent and disinterested person stating the facts as
5 to age and qualification of the parties. Upon the filing of
6 the application for a license to marry, the county registrar
7 shall file the application in a record kept for that purpose
8 and shall take all necessary steps to ensure the
9 confidentiality of the social security number of each
10 applicant. All information included on an application may be
11 provided as mutually agreed upon by the division of records
12 and statistics and the child support recovery unit, including
13 by automated exchange.

14 2. Upon receipt of a verified application, the county
15 registrar may issue the license ~~which shall not become valid~~
16 ~~until the expiration of three days after the date of issuance~~
17 ~~of the license.~~ If the license has not been issued within six
18 months from the date of the application, the application is
19 void.

20 3. A license issued under subsection 2 shall become valid
21 as follows:

22 a. If the parties desiring the license have participated
23 in premarital education and have documented completion of
24 premarital education in accordance with section 595.3B, the
25 license shall become valid upon the expiration of three days
26 after the date of issuance of the license.

27 b. If the parties desiring the license have not
28 participated in premarital education and have not documented
29 completion of premarital education in accordance with section
30 595.3B, the license shall not become valid until the
31 expiration of thirty days after the date of issuance of the
32 license.

33 4. A If the parties are subject to subsection 3, paragraph
34 "b", a license to marry may be validated prior to the
35 expiration of ~~three~~ thirty days from the date of issuance of

1 the license in cases of emergency or extraordinary
2 circumstances. An order authorizing the validation of a
3 license may be granted by a judge of the district court under
4 conditions of emergency or extraordinary circumstances upon
5 application of the parties filed with the county registrar.
6 ~~No~~ An order may shall not be granted unless the parties have
7 filed an application for a marriage license in a county within
8 the judicial district. An application for an order shall be
9 made on forms furnished by the county registrar at the same
10 time the application for the license to marry is made. After
11 examining the application for the marriage license and issuing
12 the license, the county registrar shall refer the parties to a
13 judge of the district court for action on the application for
14 an order authorizing the validation of a marriage license
15 prior to expiration of ~~three~~ thirty days from the date of
16 issuance of the license. The judge shall, if satisfied as to
17 the existence of an emergency or extraordinary circumstances,
18 grant an order authorizing the validation of a license to
19 marry prior to the expiration of ~~three~~ thirty days from the
20 date of issuance of the license to marry. The county
21 registrar shall validate a license to marry upon presentation
22 by the parties of the order authorizing a license to be
23 validated. A fee of five dollars shall be paid to the county
24 registrar at the time the application for the order is made,
25 which fee is in addition to the fee prescribed by law for the
26 issuance of a marriage license.

27

EXPLANATION

28 This bill relates to marriage license conditions and
29 procedures. The bill changes the marriage license fee from
30 the current fee of \$35 so that the fee is \$50 for a license
31 unless the parties have completed premarital education, in
32 which case the fee is reduced to \$20.

33 The bill provides that the application form for a marriage
34 license is to have attached a certificate form to be used by
35 the parties to document completion of premarital education.

1 The certificate is to be completed by the parties and signed
2 by the person who provided the premarital education. The bill
3 specifies the information to be included on the certificate
4 and specifies the persons who meet the requirements to provide
5 premarital education.

6 The bill provides that if the parties have completed and
7 documented completion of premarital education, a license to
8 marry becomes valid three days after the date of issuance of
9 the license, but if the parties have not completed and
10 documented completion of premarital education, the license to
11 marry does not become valid until 30 days after the date of
12 issuance of the license. The bill provides that a license to
13 marry which would not become valid until 30 days following the
14 issuance of the license may be validated before expiration of
15 the 30 days in cases of emergency or extraordinary
16 circumstances.

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