

SUBJECT: Creation of the Family Trust Fund and voluntary premarital education

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 9 ayes — Goodman, Pickett, Isett, P. King, Morrison, Naishtat, A. Reyna, E. Reyna, Truitt
0 nays

WITNESSES: For — Stewart W. Gagnon; Terry Hargrave, Texas Association for Marriage and Family Therapy
Against — None

DIGEST: CSHB 2442 would raise the marriage license fee from \$25 to \$30. Three dollars of the fee increase would go to the comptroller for deposit in a new Family Trust Fund, which would be administered by the attorney general. The fund would be used for:

- ! development and distribution of a premarital education handbook;
- ! grants for academic research on marriage and divorce;
- ! support for counties to offer free or low-cost premarital education;
- ! child support programs; and
- ! other programs chosen by the attorney general to help families.

The remaining two dollars from the fee increase would go to county clerks to pay for their new duties under the bill.

The attorney general would have to appoint an advisory committee to assist in the development of the premarital education handbook. The nine-member committee would include at least three providers of premarital education courses. Committee members would not be reimbursed for their expenses.

CSHB 2442 would require county clerks to give copies of the premarital education handbook to applicants for marriage licenses. The bill would encourage applicants to attend a premarital education course of at least four hours within the year preceding the marriage application. The preferred course could be completed by personal instruction, by videotape or electronic

medium instruction, or by a combination of those methods. The bill would state that the course should include instruction in conflict management, communication skills, and parental and financial responsibilities. The instructor could be a mental health professional with at least a master's degree in family therapy or a program counselor affiliated with a church or religious institution. Applicants who took such courses would have to pay course fees.

County clerks could maintain a list of course providers who met the bill's requirements and could offer that list to marriage license applicants upon request. Course providers could become listed by notifying the clerk and providing their professional license number or affiliation with a church or religious institution.

The bill also would allow county clerks to enter data "on" a marriage license rather than on the reverse side of the license, as now required. CSHB 2442 would control over other bills this session regarding nonsubstantive changes to the Family Code.

CSHB 2442 would take effect September 1, 1999, and would apply to marriage license applications filed on or after that date.

**SUPPORTERS
SAY:**

It is important for the state to express support for premarital education. Even though premarital education courses would be voluntary, CSHB 2442 would provide a framework for courses to be promoted by county clerks. The availability of the premarital education handbook alone might prevent some ill-advised marriages.

The Family Trust Fund would help fund efforts to increase awareness of marriage and divorce issues. The five-dollar increase in the marriage license fee to support this fund would not be burdensome.

Premarital education courses cannot be made mandatory without serious implications regarding state involvement in personal family decisions and state enrichment of private course providers.

**OPPONENTS
SAY:**

Marriage is a personal decision in which the state should not be involved at all. No premarital education course can prepare someone properly for the reality of married life.

The Family Trust Fund would add to government bureaucracy without a clearly justified purpose or goal.

OTHER
OPPONENTS
SAY:

To have any real impact, the voluntary premarital education provisions of CSHB 2442 should be mandatory.

NOTES:

The original bill would have made premarital education courses mandatory for marriage license applicants unless the applicant signed a waiver and paid an additional \$10 fee, which would have funded the Family Trust Fund. Premarital education courses would have been evaluated by the Texas Tech University human development and family studies department. The committee substitute's provisions for the premarital education handbook to be prepared by the attorney general replaced the original bill's provisions for a family law handbook to be prepared by the family law council of the State Bar of Texas. The original bill also would have required county clerks to give marriage license applicants a questionnaire on family issues.

The companion bill, SB 1162 by Wentworth, which is identical to the filed version of HB 2442, has been left pending in the Senate Jurisprudence Committee.