

## **BILL ANALYSIS**

Senate Research Center  
76R11979 JMM-F

H.B. 2442  
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Jurisprudence  
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Engrossed

### **DIGEST**

After remaining stable during the 1950s, the divorce rate in the United States increased in the 1960s, doubled between 1966 and 1976, and leveled off at a high rate in the 1980s. In order to combat the high divorce rate, a premarital education course may benefit couples who are uncertain of their choice to get married. Research indicates that 10 to 15 percent of couples taking a premarital education course decide not to marry. H.B. 2442 would encourage applicants for a marriage license to attend a premarital education course for at least four hours.

### **PURPOSE**

As proposed, H.B. 2442 sets forth provisions for a premarital education course.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2.009(c), Family Code, to require the county clerk to enter on the license the names of the licensees, distribute to each applicant a premarital education handbook provided by the attorney general under Section 2.014, and other requirements, on the proper execution of the application. Deletes text requiring the clerk to record information on the reverse side. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Chapter 2A, Family Code, by adding Sections 2.013 and 2.014, as follows:

Sec. 2.013. PREMARITAL EDUCATION REQUIREMENTS; WAIVER. (a) Provides that each person applying for a marriage license is encouraged to attend a premarital education course of at least four hours during the year preceding the date of the application for the license.

(b) Provides that the course under Subsection (a) may be completed by personal instruction, videotape instruction, instruction through an electronic medium, or a combination of these methods.

(c) Requires a premarital education course to include instruction in conflict management, communication skills, children and parenting responsibilities, and financial responsibilities.

(d) Requires a course under this subsection to be offered by a mental health professional who holds at least a master's degree with a background in family therapy, or 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.

(e) Authorizes 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. Authorizes the clerk to provide a copy of the roster on request to an applicant for a marriage license.

(f) Requires an applicant for a marriage license who takes a course under this section to pay any fee charged for the course.

(g) Requires a person who seeks to be listed as a course provider on a list maintained under Subsection (e) to notify the county clerk of the county in which the person intends to offer a course. Requires the notification to include the applicant's professional license number or evidence of the person's position or affiliation with a church or religious institution, as appropriate, and an address at which the course provider may be contacted.

Sec. 2.014. FAMILY TRUST FUND. (a) Provides that the family trust fund is created as a trust fund with the state comptroller and shall be administered by the attorney general for the beneficiaries of the fund.

(b) Sets forth provisions for the money in the trust fund.

(c) Requires the premarital education handbook under Subsection (b)(1) to be distributed to each applicant for a marriage license as provided by Section 2.009(c)(5) and to contain information on conflict management, communication skills, children and parenting responsibilities, and financial responsibilities.

(d) Requires the attorney general to appoint an advisory committee to assist in the development of the premarital education handbook. Requires the advisory committee to consist of nine members, including at least three members who are eligible under Section 2.013(d) to provide a premarital education course. Provides that a member of the advisory committee is not entitled to reimbursement of the member's expenses.

SECTION 3. Amends Section 118.011(a), Local Government Code, to increase the fee for a marriage license from \$25 to \$30.

SECTION 4. Amends Section 118.018, Local Government Code, by adding Subsection (c), to require the county clerk who collects a fee under this section from a marriage license applicant to remit \$3 of that fee to the comptroller for deposit in the family trust fund established under Section 2.014, Family Code.

SECTION 5. (a) Repealer: Section 1, Chapter 698, Acts of the 75th Legislature, Regular Session, 1997 (regarding issuance of a license).

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: September 1, 1999.

Makes application of this Act prospective.

SECTION 7. Emergency clause.