

- SUBJECT:** Marriage license requirements and optional premarital education
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 6 ayes — Swinford, Paxton, Christian, B. Cook, Flynn, Parker  
0 nays  
2 absent — Van Arsdale, Farrar  
1 present not voting — Veasey
- WITNESSES:** For — Brent Connett, Texas Conservative Coalition; Danielle Hanneken and Joe Hanneken, Retrouvaille International; Erin Kincaid, The Alliance for North Texas Healthy Effective Marriages; Roy Milam, Cornerstone Marriage & Family Ministries; Gloria Miranda-Cavazos, Hispanic Active Relationships Project of Cameron County; Robert Richardson, Family Life; Maggie Russell, Northside Family Ministries; Chris Shields, Texas Association for Marriage and Family Therapy; Michael Smalley, Smalley Marriage & Family Center; Paul D. Landrew; Pat Love; Arlene Wohlgemuth; (*Registered, but did not testify:* Julie Drenner, Texans for Family Values PAC; Merry Lynn Gerstenschlager, Texas Eagle Forum Education Liaison; Jonathan Saenz, Free Market Foundation; Alfred Allen. Sr.; Nathaniel Dugay; Malcolm Hester)
- Against — Katie Tastrom, National Association of Social Workers-Texas; (*Registered, but did not testify:* Patti Edelman)
- On — Jeff Johnson, Health and Human Services Commission; Jim Underwood, Office of Attorney General; (*Registered, but did not testify:* Leticia Pena Martinez, Office of the Attorney General)
- BACKGROUND:** Family Code, sec. 2.013 contains premarital education guidelines and requirements. Each person applying for a marriage license is encouraged to attend a premarital education course of at least four hours within one year prior to application for the license. Applicants choosing to take a premarital course must pay associated fees, and a county clerk may make available a list of course providers in the area.

The course may be completed by personal instruction, videotape instruction, other electronic medium, or a combination of these methods. The course is recommended to include information on conflict management, communication skills, children and parenting responsibilities, and financial responsibilities.

A premarital course should be offered by a mental health professional holding at least a master's degree in family therapy, a religious practitioner who performs counseling consistent with Texas law, or a person designated as a program counselor by a church or religious institution. Any person seeking to provide a course must notify the local county clerk and provide evidence of the applicant's credentials.

Family Code, sec. 2.204(b) requires that applicants wait 72 hours between receiving a marriage license and getting married. The waiting period does not apply to 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.

Local Government Code, sec. 118.011(a)(7) requires applicants to pay a \$30 fee for a marriage license. Sec. 118.022(a) requires the county clerk to send \$12.50 of each fee collected for a marriage license or declaration of informal marriage to the comptroller for deposit in the child abuse and neglect prevention trust fund account.

**DIGEST:**

HB 2685 would revise the premarital education course, use TANF funds to award scholarships to fund programs promoting healthy marriages and strong families, increase the marriage license fee from \$30 to \$60, and waive the fee and the 72-hour waiting period following receipt of a marriage license for those completing a premarital education course

The bill would amend Family Code, sec. 2.013 to increase the minimum suggested hours for a premarital education course from four hours to eight hours. Each premarital education course would be required to teach conflict management and communication skills. Such courses would have to follow the curricula of the U.S. Department of Health and Human Services healthy marriage initiative and the Coalition for Marriage, Family, and Couples Education, or other similar resources.

Instructors of premarital education courses should be trained and certified in skill-based marriage preparation curricula. Marriage educators, clergy

or their designees, licensed mental health professionals, faith-based organizations, and community-based organizations could provide courses. The bill would require providers to issue a signed and dated certificate to each individual who completed the course.

The Health and Human Services Commission (HHSC) would create a scholarship program with Temporary Assistance to Needy Families (TANF) block grant money to fund programs that support the development of healthy marriages or strong families. In awarding scholarships, HHSC would give equal consideration to secular and faith-based programs. In addition, an applicant who took a premarital education course but could not afford to pay the fee could apply for a scholarship through this initiative.

The bill would amend Family Code, sec. 2.204(b) to exempt a person who completed a premarital education course from the 72-hour waiting period following receipt of a marriage license.

HB 2685 would amend Local Government Code, 118.011(a)(7) to increase the marriage license fee from \$30 to \$60. It also would amend sec. 118.018 to waive the marriage license fee for an applicant who presented a certificate of completion for a premarital education course taken within the previous year. Under sec. 118.022(a), a county clerk who collected a fee for issuing a marriage license would send \$30 of that fee to the comptroller for deposit in the child abuse and neglect prevention trust fund account. The clerk would send to the comptroller \$12.50 of each \$25 fee collected for a declaration of informal marriage.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 2685 would improve premarital education programs and benefit the people who completed them and decided to get married. Couples who plan weddings often focus on flowers, pictures, and party favors at the expense of thinking long and hard about issues dealing with children, finances, and general family dynamics. By creating an incentive for marriage license applicants to complete a premarital course, the bill would encourage more couples to educate themselves about how to prevent some of the possible negative consequences associated with marriage.

Studies show that the completion of premarital education often is associated with higher levels of marital satisfaction. Helping couples think

carefully about the commitments associated with marriage can serve to lower the risk of marital problems and divorce. According to recent data, couples who received as few as 20 hours of premarital education have significantly lower rates of divorce.

Premarital education under HB 2685 would not be premarital counseling but would focus on skill-based education. Education programs would teach couples many of the necessary skills for a good marriage, including effective communication, teamwork, problem solving, conflict management, and the importance of preserving love, commitment, and friendship. There are many legitimate and federally approved uses for TANF block grant funds, including the strengthening of families and encouragement of two-parent households. The bill would put these federal funds to good use by helping committed low-income couples and their families achieve the emotional and financial stability that can prosper within marriage.

By improving premarital education and helping loving couples get married, HB 2685 would benefit society as a whole. Happily married couples provide a stable and healthy environment for raising children. Research has shown that married couples are happier and healthier. Married people live up to eight years longer than their divorced or never-married counterparts, and marriage tends to provide increased financial security. Children of married parents also fare better. They are less likely to engage in criminal behavior, abuse drugs or alcohol, become pregnant out-of-wedlock, or experience emotional and psychological troubles.

HB 2685 would not require premarital education. It simply would offer incentives to couples already seeking to marry and help many of them build long happy lives together.

**OPPONENTS  
SAY:**

The purpose of TANF is to provide assistance to needy families to end dependence on government benefits. Rather than diverting these funds toward subsidizing the cost of premarital education programs and other marriage promotion initiatives, Texas instead should invest TANF funds in strategies to support the transition from welfare to work or give working-poor families tools to escape poverty, such as training in employment skills, child care, and adult literacy. Marriage without financial security is not a solution to poverty and is likely to lead to divorce, if not spousal abuse or other negative outcomes. What low-income Texans really need is access to education and training

opportunities leading to jobs that provide stable employment, living wages, and access to health benefits.

NOTES:

According to the Legislative Budget Board (LBB), HB 2685 would cost \$2.1 million in federal TANF funds in fiscal 2008 and \$4.2 million in each fiscal year thereafter. Starting in fiscal 2009, it is estimated that approximately \$3.5 million would fund the scholarships authorized by the bill from fiscal 2009 through fiscal 2012. It is not certain what effect waiving the marriage license fee for applicants who completed a premarital education course would have on state revenues. According to the LBB, state and local funds would experience a gain from the increased marriage license fee if the bill did not result in a decrease of more than 88,000 paid license applications.

A related bill, HB 2683 by Chisum, which would require a minimum of 1 percent of TANF block grant funds be spent on programs supporting development of healthy marriages and strong families, also is on today's General State Calendar.