

## **BILL ANALYSIS**

Senate Research Center  
76R7703 JMM-D

S.B. 1162  
By: Wentworth  
Jurisprudence  
3/26/1999  
As Filed

### **DIGEST**

The quality of parents' marriage has important implications for the parent-child relationship. Components of a potential required premarital education course include instruction in conflict management, communication skills, parenting responsibilities, and financial responsibilities. This bill requires completion of such a course and sets forth funding provisions to support premarital education.

### **PURPOSE**

As proposed, S.B. 1162 creates a requirement for completion of a premarital education course for marriage license applicants, and provides funding procedures and exceptions.

### **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 2.002, Family Code, to require marriage license applicants to prove completion of a premarital education course, and provides an exception. Makes a conforming change.

SECTION 2. Amends Section 2.009, Family Code, by amending Subsections (a) and (c), and adding Subsection (e), to prohibit the issuance of a license to a couple if an applicant fails to submit proof of completion of a certain course or a certain affidavit of waiver. Requires the clerk to distribute an informational questionnaire to the applicants which they are authorized to complete and return. Sets forth required procedures for the clerk regarding receipt of the questionnaires. Requires the Texas Tech University human development and family studies department (department) researchers to develop the questionnaire and supply them to each county clerk. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 2A, Family Code, by adding Sections 2.013 and 2.014, as follows:

Sec. 2.013. **PREMARITAL EDUCATION REQUIREMENTS; WAIVER.** Requires marriage license applicants to present a signed certificate of completion of a premarital education course (course). Sets forth time-related requirements for the course. Prohibits certificates from being issued prior to course completion. Sets forth requirements for the certificate and the course. Sets forth entities from whom a person is authorized to take the course. Requires county clerks to administer a roster of area course providers. Requires course participants to pay the course fee. Sets forth provisions for a person seeking to act a course provider. Requires the department to evaluate and determine the effectiveness of the courses. Authorizes the department to create premarital education pilot programs for course providers to administer. Requires such pilot programs to use department statistical information. Provides that there are exceptions to completion of the required course, and establishes the following exceptions: hardship, inability to participate in a course, or refusal to take the course.

Sec. 2.014. **FAMILY TRUST FUND.** Creates the family trust fund with the comptroller and requires its administration by the attorney general. Derives family trust funds from depositing \$10 of each marriage license, and limits the use of funds to certain projects and programs.

SECTION 4. Amends Section 118.011(a), Government Code, to create a \$25 fee for a marriage license applicant who completes the course, and a \$35 fee for an applicant who submits an affidavit of waiver of the course.

SECTION 5. Amends Section 118.018, Local Government Code, by adding Subsection (c), to require a county clerk who collects a marriage license fee to remit \$10 for deposit in the family trust fund.

SECTION 6. Authorizes the family law council of the State Bar of Texas to create a handbook which explains provisions of Texas law pertaining to rights and responsibilities of married persons, and authorizes handbook information to be presented through other formats. Requires review of the handbook by a supreme court appointed committee. Requires the county clerk to make the handbook or other format available when a person applies for a marriage license. Requires annual update of the handbook, and authorizes it to include certain information.

SECTION 7. (a) Repealer: Section 1, Chapter 698, Acts of the 75th Legislature, Regular Session, 1997.

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 76th Legislature.

SECTION 8. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 9. Emergency clause.