

SHORT TITLE: Poor persons and marriage; Aid to Families with Dependent Children; condition for continued eligibility; requiring completion of certain course prior to issuance of a marriage license; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 297

By: Long (Lewis)

AS INTRODUCED

An Act relating to poor persons and marriage; making certain requirement a condition of eligibility for continuing to receive certain benefits; requiring the Commission for Human Services to request certain waiver; requiring cooperation between certain agencies for certain purpose; amending 43 O.S. 1991, Section 3, which relates to marriage license; requiring completion of certain course by minors for court issuance of marriage license; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 198.11 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Adult recipients in the Aid to Families with Dependent Children program shall be required to complete a thirty-clock-hour course on parenting and child abuse as a condition for continuing to receive benefits under the Aid to Families with Dependent Children program.

B. The Commission for Human Services shall request a waiver from the Secretary of the federal Department of Health and Human

Services to implement the provisions of subsection A of this section.

C. The Department of Human Services and the Department of Vocational and Technical Education shall cooperate to develop and implement courses on parenting and child abuse for adult recipients in the Aid to Families with Dependent Children program, pursuant to subsection A of this section.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 3, is amended to read as follows:

Section 3. Any unmarried person of the age of eighteen (18) years or upwards and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex but no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license, or on the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma. Provided, if such parent or guardian resides outside of the State of Oklahoma such written consent may be executed before a judge or clerk of a court of record. Such executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions. Provided that if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, and stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, the license may issue on the written consent of such parent or guardian, acknowledged in the same manner as the accompanying medical certificate. Any such certificate and written permission shall be

retained by the official issuing the marriage license; and provided that the license may issue and the marriage relation be entered into if such parent or guardian is on active duty with the Armed Forces of the United States, on the written permission of such parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths, if such permission is presented to such licensing authority, accompanied by a certificate executed by a commissioned officer in command of said applicant, to the effect that said parent or guardian is on active duty in the Armed Forces of the United States. Provided further, that in all cases where it is made to appear by affidavit of three (3) reputable persons that both parents of said minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for said minor, the judge of the district court issuing said license may in his discretion consent to said marriage in the same manner as in all cases in which consent may be given by a parent or guardian and with the same effect. At the time of application for the license, the parent or guardian of such underage applicant or other person authorized by this section to give consent may sign a waiver, waiving the seventy-two-hour waiting period provided for in Section 5 of this title. Provided, however, every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation. Provided, that this section shall not be construed to prevent the courts from authorizing the marriage of persons under the ages herein mentioned, in settlement of suits for seduction or paternity; and the courts may also authorize the marriage of persons under the ages herein mentioned when the unmarried female is pregnant, or has given birth to an illegitimate child, whether or not any suits for seduction or paternity have been brought; provided that no court shall authorize the marriage of any male under the age of sixteen

(16) or any female under the age of sixteen (16) when the unmarried female is pregnant unless at least one parent of each minor, or the guardian or custodian of such child, is present before the court and has an opportunity to present evidence in the event such parent, guardian, or custodian objects to the issuance of a marriage license, and if they are not present said parent, guardian, or custodian may be given notice of the hearing at the discretion of the court. Any minor who seeks to obtain a marriage license from a court must first successfully complete a thirty-clock-hour educational course which shall consist of instruction regarding parenting skills and child abuse prevention. No court shall issue a marriage license to any minor without presentation of documentation showing the completion of an above-mentioned course. No marriage may be authorized when such marriage would be incestuous under this chapter.

SECTION 3. This act shall become effective September 1, 1993.

44-1-0055 CJ