

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2668

By: Sweeden

AS INTRODUCED

An Act relating to marriage and family; creating the Marriage Preparation and Preservation Act of 2002; providing for legislative findings; amending 43 O.S. 2001, Sections 3, 5 and 5.1, which relate to persons capable of consenting to marry and procedures; updating and clarifying language; removing certain waivers; requiring waiting periods; providing for waivers; specifying conditions; providing for premarital counseling; setting forth parameters of program; requiring publication of a handbook of Oklahoma laws relating to marriage, divorce, child support and other marital relationship information; requiring use of TANF funds for certain programs; amending 70 O.S. 2001, Section 11-103.6, which relates to schools; requiring life-management skill curriculum; providing for funding; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Marriage Preparation and Preservation Act of 2002".

B. It is the finding of the Legislature based on reliable research that:

1. The divorce rate has been accelerating;

2. Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy;

3. An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic

violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce;

4. Relationship skills can be learned;

5. Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict;

6. Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships;

7. By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered;

8. When effective coping exists, domestic violence, child abuse, and divorce and its effect on children, such as absenteeism, medical costs, and learning and social deficiencies, are diminished; and

9. The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

SECTION 2. AMENDATORY 43 O.S. 2001, Section 3, is amended to read as follows:

Section 3. A. Any unmarried person ~~of the age of~~ who is at least eighteen (18) years or upwards of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex ~~but.~~

B. 1. Except as otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except:

a. 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~~

b. upon 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,~~

c. if ~~such~~ the parent or guardian resides outside of the State of Oklahoma ~~such,~~ upon the written consent ~~may be of the parent or guardian~~ executed before a judge or clerk of a court of record. ~~Such~~ The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions.—~~Provided that,~~

d. 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~~ upon the written consent of ~~such~~ the 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,~~

e. if ~~such~~ the parent or guardian is on active duty with the Armed Forces of the United States, ~~on~~ upon the written permission of ~~such~~ the parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths, ~~if such.~~ Such permission ~~is~~ shall be presented to ~~such~~ the licensing authority, accompanied by a certificate executed by a commissioned officer in command of ~~said~~ the applicant,

to the effect that ~~said~~ the 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, or~~

f. upon affidavit of three (3) reputable persons stating that both parents of ~~said~~ the minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for ~~said~~ the minor, ~~the~~. The judge of the district court issuing ~~said~~ the license may in his or her discretion consent to ~~said~~ the 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.~~

2. 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, except when authorized by the court:~~

- a. in settlement of ~~suits~~ a suit for seduction or paternity; ~~and the courts may also authorize the marriage of persons under the ages herein mentioned when, or~~
- b. if 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~~ and 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.~~ If they are not present ~~said~~ the parent, guardian, or custodian may be given notice of the hearing at the discretion of the court.

3. Any certificate or written permission required by this subsection shall be retained by the official issuing the marriage license.

C. No marriage may be authorized when such marriage would be incestuous under this chapter.

SECTION 3. AMENDATORY 43 O.S. 2001, Section 5, is amended to read as follows:

Section 5. A. ~~Persons~~ 1. At least thirty (30) days prior to the issuance of a marriage license, persons desiring to be married in this state shall submit an application in writing signed and sworn to in person before the clerk of the district court by both of the parties setting forth:

~~1. Each~~

a. each party's place of residence,

~~2. Each~~

b. each party's full name and age as the same appear upon a certified copy of birth certificate, a current motor vehicle operator's, chauffeur's or commercial license, a current voter's registration certificate, a current passport or visa, or any other certificate, license or document issued by or existing pursuant to the laws of

any nation or of any state or other governmental subdivision thereof accepted as proof of identity and age~~+~~,

~~3. That~~

c. that the parties are not disqualified from or incapable of entering into the marriage relation~~+~~, and

~~4. Whether~~

d. whether the parties have successfully completed a premarital counseling program.

2. The thirty-day waiting period may be waived if:

a. the couple has received premarital counseling together as specified by Section 4 of this act, or

b. there are compelling circumstances, including terminal illness or imminent transfer to a war zone. Proof requirements for compelling circumstances shall be submitted at the discretion of the district court.

B. 1. Upon the expiration of the thirty-day period or as otherwise authorized or provided by this section, upon application pursuant to this section and the payment of fees as provided in Section 31 of Title 28 of the Oklahoma Statutes, if the clerk of the district court is satisfied of the truth and sufficiency of the application and that there is no legal impediment to such marriage, the judge shall issue the license authorizing the marriage.

2. Parties to be married and who present a certificate to the clerk of the district court that states the parties have completed the premarital counseling program pursuant to Section ~~2~~ 5.1 of this ~~act~~ title shall be entitled to pay a reduced fee for a marriage license in an amount provided in Section 31 of Title 28 of the Oklahoma Statutes.

C. 1. In the event that one or both of the parties are under legal age ~~and a parent or guardian of the underage party or other authorized person has not signed the waiver as provided for in~~

~~Section 3 of this title~~, the application shall have been on file in the court clerk's office for a period of not less than ~~seventy-two (72) hours~~ sixty (60) days prior to issuance of the marriage license.

2. The sixty-day waiting period may be waived if one or both parties are under the legal age if both parties apply for the license and at least one parent or guardian of each party who is a minor completes the premarital counseling program specified by Section 5.1 of this title. The parent's or guardian's attendance requirement prescribed by this paragraph shall not apply if the minor who intends to apply for a marriage license is legally emancipated.

D. The marriage license shall be valid in any county within the state.

E. The provisions hereof are mandatory and not directory except under the circumstances set out in the provisions of Section 3 of this title.

SECTION 4. AMENDATORY 43 O.S. 2001, Section 5.1, is amended to read as follows:

Section 5.1 A. 1. The clerk of the district court shall reduce the fee for a marriage license as prescribed by Section 31 of Title 28 of the Oklahoma Statutes to persons who have successfully completed a premarital counseling program meeting the conditions specified by this section.

2. The clerk or judge of the district court may issue a license authorizing the marriage between the persons named in such license prior to the expiration of the waiting period specified in Section 5 of this title if such persons present evidence as to the successful completion of a premarital counseling program specified by this section.

B. 1. A premarital counseling program shall be conducted by a health professional or an official representative of a religious

institution. Upon successful completion of the program, the counseling program provider shall issue to the persons a certificate signed by the instructor of the counseling program. The certificate shall state that the named persons have successfully completed the premarital counseling requirements.

2. The premarital counseling program shall include, but is not limited to, training for couples intending to marry covering the following topics:

- a. conflict management,
- b. communication skills,
- c. financial responsibilities,
- d. children and parenting responsibilities, and
- e. if one of the parties is a minor, both of the following:
  - (1) minors and marriage, and
  - (2) extended family roles and the marriage.

3. For purposes of this subsection, the term "health professional" means a person licensed or certified by this state to practice psychiatry or psychology; a licensed social worker with experience in marriage counseling; a licensed marital and family therapist; or a licensed professional counselor.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The Administrative Director of the Courts shall publish a handbook explaining those sections of Oklahoma law pertaining to the rights and responsibilities under Oklahoma law of marital partners to each other and to their children, both during a marriage and upon dissolution.

B. The handbook shall be available from the clerk of the district court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape

or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.

C. The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to:

1. Prenuptial agreements: as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship;

2. Parental responsibility for children: the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer, and vacation visitation arrangements, telephone access, and the process for notice for changes;

3. Relocation restrictions on parents with custodial responsibility;

4. Child support for minor children: both parents are obligated for support in accordance with applicable child support guidelines;

5. Property rights, including, but not limited to, equitable distribution, premarital property, and nonmarital property;

6. Alimony;

7. Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting;

8. Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access;

9. Parent education course available for divorcing parents with children;

10. Community resources that are available for separating or divorcing persons and their children; and

11. Such other information deemed necessary by the Administrator.

D. Funding for such handbook shall be provided from the funds made available pursuant to Section 6 of this act.

SECTION 6. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Department of Human Services shall utilize funds available from the federal Temporary Assistance for Needy Families for marriage counseling and other programs specified by this act.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 11-103.6, is amended to read as follows:

Section 11-103.6 A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, life-management skills including marriage and relationship skill-based education, mathematics, science, social studies and communication. Funding for developing and implementing a curriculum for life-management skills including marriage and relationship skill-based education shall be provided from the funds made available pursuant to Section 6 of this act. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or postsecondary education.

B. Beginning with the 2002-2003 school year, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses: American Literature, English Literature, World Literature, Advanced English Courses, or other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses: Algebra II, Geometry or Geometry taught in a contextual methodology, Trigonometry, Math Analysis or Precalculus, Calculus, Statistics and/or Probability, Computer Science, or other mathematics courses with content and/or rigor equal to or above Algebra I. Provided, credit may be granted for Applied Mathematics I and II and Computer Science whether taught at the comprehensive high school or at a technology center school;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses: Chemistry I, Physics, Biology II, Chemistry II, Physical Science, Earth Science, Botany, Zoology, Physiology, Astronomy, Applied Physics, Principles of Technology, qualified agricultural education courses, or other science courses with content and/or rigor equal to or above Biology I. Provided, credit may be granted for the Applied

Biology/Chemistry, Physics, and Principles of Technology whether taught at the comprehensive high school or at a technology center school;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses: World History, Geography, Economics, Anthropology, or other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

C. In addition to the 15 units or sets of competencies of core curriculum requirements established in subsection B of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete any additional course requirements or recommended elective courses as may be established by the State Board of Education and the local school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages.

D. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements of subsection B.

E. A school district shall not be required to offer every course listed in subsection B of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS), as adopted by the Board, for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

4. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the Board; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in subsection B of this section.

2. The State Board of Education shall allow as much option at the local district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To

accomplish this purpose, the State Department of Education shall work with local school districts in reviewing and approving courses taught by districts that are not specifically listed in subsection B of this section. Local options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of subsection B of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fee, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

4. Credit for the units or sets of competencies required in subsection B of this section shall be given when such units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified or authorized pursuant to Section 6-189.1 of this title to teach the subjects for high school credit and the

required rigor is maintained. All units or sets of competencies required for graduation may be taken in any sequence recommended by the local school district.

H. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

I. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of subsection B of this section. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

J. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

K. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

L. Students enrolled in an alternative education program who meet the requirements of their plans leading to high school

graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

M. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

SECTION 8. This act shall become effective November 1, 2002.

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