

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 450

By: Coffee

AS INTRODUCED

An Act relating to marriage; amending 28 O.S. 2001, Section 31, which relates to fees; deleting certain fee; amending 43 O.S. 2001, Sections 5 and 5.1, which relate to applications and education; deleting certain fee reduction; requiring premarital education; specifying education requirements; requiring certain proof; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 31, is amended to read as follows:

Section 31. Notwithstanding any other provision of law, the clerk of the district court, or the clerk of any other court of record, shall charge and collect the following fees for services by them respectively rendered and none others, except as otherwise provided by law:

- Approving bond or undertaking,
  - including certificate and seal .....\$3.00
- Making copy of an instrument of record
  - or on file, first page .....\$1.00
  - subsequent pages (each)..... \$0.50
- Certifying to any instrument (each)..... \$0.50
- Authentication of court records.....\$5.00
- Receiving and paying out money in
  - pursuance of law or order of court .....1%
 provided, however, that such charge shall not exceed \$300.00.

In any case which has been on file and pending without activity for a period

of five (5) years and in which there is on hand, unexpended, a balance of deposits for costs, there shall be a charge annually thereafter for accounting, to be deducted from any such balance, and to the extent available therefor, an annual fee of .....\$3.00

Application, issuing, entering return and recording marriage license ~~if the applicants submit a certificate that states the applicants have completed the premarital counseling program pursuant to Section 2 of this act~~ .....\$5.00

~~Application, issuing, entering return and recording marriage license if the applicants do not submit a certificate that states the applicants have completed the premarital counseling program pursuant to Section 2 of this act~~.....\$25.00

Conveyance of full-blood Indian heirs to interest in inherited lands, same to be accounted for as other fees ..... \$5.00

Storage and indexing of wills.....\$5.00

Posting notice outside the courthouse.....\$10.00

Mailing, by any type of mail, writs, warrants, orders, process, command or notice for each person .....\$7.00

except ordinary mailing of first-class mail in probate cases, for each case .....\$7.00

For the actual cost of all postage in

each case in excess of .....\$7.00

For filing and indexing of disclaimers

other than in pending probate or civil

cases pursuant to the provisions of

Section 751 et seq. of Title 60 of

the Oklahoma Statutes ..... \$5.00

SECTION 2. AMENDATORY 43 O.S. 2001, Section 5, is

amended to read as follows:

Section 5. A. 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 party's place of residence;

2. 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 the parties are not disqualified from or incapable of entering into the marriage relation; and

4. Whether the parties have successfully completed a premarital ~~counseling~~ education program.

B. ~~1.~~ 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 of this act 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. 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 prior to issuance of the marriage license.

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

Section 5.1 A. ~~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~~ No clerk of the district court shall issue a marriage license unless the persons, prior to the issuance of the license, have successfully completed a premarital ~~counseling~~ education program meeting the conditions 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~~ A marriage education program shall be provided by:

- a. an official representative of a religious institution or by clergy person authorized to perform marriages, of his or her designee, including mentor couples or other lay volunteers, if working in a clergy-supervised program,

- b. any United States Armed Forces family support center or chaplain's office, or
- c. marriage education or skills training providers specifically authorized as marriage educators by, or listed in on-line or printed marriage educator directories of the Coalition for Marriage, Family and Couples Education.

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~~ education requirements.

2. 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.

3. Premarital counseling required by this section shall include, at minimum:

- a. the nature, purpose and responsibilities of a marital relationship,
- b. responsibilities regarding children,
- c. conflict management, and
- d. financial responsibilities of the parties.

4. Prior to issuing a marriage license, the court clerk shall require the applicants to state, under oath or by affidavit, that they have received premarital education pursuant to this section within six (6) months preceding the date of their application.

SECTION 4. This act shall become effective November 1, 2003.