

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2540

By: McCullough

4
5
6 AS INTRODUCED

7 An Act relating to marriage and family; amending 28
8 O.S. 2011, Section 31, which relates to court clerk
9 fees; modifying requirements for certain marriage
10 applications and licenses; amending 43 O.S. 2011,
11 Sections 5, 5.1 and 6, which relate to marriage;
12 requiring two hours of premarital counseling prior to
13 any marriage; requiring certificate of premarital
14 counseling completion; providing for fee reduction
15 for completion of eight hours of premarital
16 counseling; requiring certain counseling certificate;
17 providing contents and attachments of marriage
18 licenses; amending 43 O.S. 2011, Section 107.2, which
19 relates to court authority to require certain
20 educational programs; making certain educational
21 programs mandatory; and providing an effective date.

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

23 SECTION 1. AMENDATORY 28 O.S. 2011, Section 31, is
24 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

1 them respectively rendered and none others, except as otherwise
2 provided by law:

3 Approving bond or undertaking, including
4 certificate and seal.....\$3.00

5 Making copy of an instrument of record or
6 on file, first page.....\$1.00
7 subsequent pages (each).....\$0.50

8 Certifying to any instrument (each).....\$0.50

9 Authentication of court records.....\$5.00

10 Receiving and paying out money in
11 pursuance of law or order of court.....1%
12 provided, however, that such charge
13 shall not exceed \$300.00.

14 Application, issuing, entering return and
15 recording marriage license if the
16 applicants submit a certificate that
17 states the applicants have completed ~~the~~
18 eight (8) hours or more of an approved
19 premarital counseling program pursuant
20 to Section 5.1 of Title 43 of the
21 Oklahoma Statutes.....\$5.00

22 Application, issuing, entering return and
23 recording marriage license if the
24 applicants ~~do not~~ submit a certificate

1 that states the applicants have
2 completed ~~the~~ at least two (2) hours but
3 less than eight (8) hours of an approved
4 premarital counseling program pursuant
5 to Section 5.1 of Title 43 of the
6 Oklahoma Statutes.....\$50.00

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

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

11 Mailing, by any type of mail, writs,
12 warrants, orders, process, command or
13 notice for each person.....\$10.00, or
14 actual expense, whichever is greater,
15 except ordinary mailing of first-class
16 mail in probate cases, for each case.....\$10.00, or
17 actual expense, whichever is greater.

18 For the actual cost of all postage in each
19 case in excess of.....\$10.00, or
20 actual expense, whichever is greater.

21 For filing and indexing of disclaimers
22 other than in pending probate or civil
23 cases pursuant to the provisions of
24

1 Section 751 et seq. of Title 60 of the
2 Oklahoma Statutes.....\$5.00

3 SECTION 2. AMENDATORY 43 O.S. 2011, Section 5, is
4 amended to read as follows:

5 Section 5. A. Persons desiring to be married in this state
6 shall complete no less than two (2) hours of an approved premarital
7 counseling program and shall submit an application in writing signed
8 and sworn to in person before the clerk of the district court by
9 both of the parties setting forth:

10 1. The place of residence of each party;

11 2. The full legal name and the age of each party as they appear
12 upon or are calculable from a certified copy of the birth
13 certificate, the current driver license or identification card, the
14 current passport or visa, or any other certificate, license or
15 document issued by or existing pursuant to the laws of any nation or
16 of any state, or political subdivision thereof, accepted as proof of
17 identity and age;

18 3. For each party, the full name by which the party will be
19 known after the marriage, which shall become the full legal name of
20 the party upon the filing of the marriage license and certificate
21 with the court, as required by law;

22 4. That the parties are not disqualified from or incapable of
23 entering into the marriage relation; and
24

1 5. ~~Whether~~ That the parties have successfully completed a
2 premarital counseling program consisting of no less than two (2)
3 hours. The parties shall submit a certificate of completion to be
4 filed with the application.

5 B. 1. Upon application pursuant to this section and the
6 payment of fees as provided in Section 31 of Title 28 of the
7 Oklahoma Statutes, if the clerk of the district court is satisfied
8 of the truth and sufficiency of the application and that there is no
9 legal impediment to such marriage, the court clerk shall issue the
10 marriage license authorizing the marriage and a marriage
11 certificate, which shall be incorporated as one document. As
12 required by law, the marriage certificate shall be completed
13 immediately following the marriage, and the marriage license and
14 certificate shall be returned to the court clerk.

15 2. Parties to be married and who present a certificate to the
16 clerk of the district court that states the parties have completed
17 ~~the~~ no less than eight (8) hours of an approved premarital
18 counseling program pursuant to Section 5.1 of this title shall be
19 entitled to pay a reduced fee for a marriage license in an amount
20 provided in Section 31 of Title 28 of the Oklahoma Statutes.

21 C. In the event that one or both of the parties are under legal
22 age, the application shall have been on file in the court clerk's
23 office for a period of not less than seventy-two (72) hours prior to
24 issuance of the marriage license.

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

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

6 SECTION 3. AMENDATORY 43 O.S. 2011, Section 5.1, is
7 amended to read as follows:

8 Section 5.1 A. The clerk of the district court shall reduce
9 the fee for a marriage license as prescribed by Section 31 of Title
10 28 of the Oklahoma Statutes to persons who have successfully
11 completed a no less than eight (8) hours of an approved premarital
12 counseling program meeting the conditions specified by this section.

13 B. 1. A premarital counseling program shall be conducted by a
14 health professional, an official representative of a religious
15 institution, or a person trained by the principal authors or duly
16 authorized agents of the principal authors of nationally recognized
17 marriage education curriculum including, but not limited to,
18 Prevention & Relationship Enhancement Program (PREP). Upon
19 successful completion of the program, the counseling program
20 provider shall issue to the persons a certificate signed by the
21 instructor of the counseling program. The certificate shall state
22 that the named persons have successfully completed the premarital
23 counseling requirements. ~~A minimum of four (4) hours of education~~
24 ~~or counseling shall be necessary for successful completion of the~~

1 ~~marriage education curriculum~~ The certificate shall be provided to
2 the clerk of the district court upon application for marriage.

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

8 SECTION 4. AMENDATORY 43 O.S. 2011, Section 6, is
9 amended to read as follows:

10 Section 6. A. ~~The~~ A marriage license ~~provided for in this~~
11 ~~title~~ shall contain:

12 1. The date of its issuance;

13 2. The name of the court issuing the license, and the name of
14 the city or town and county in which the court is located;

15 3. The full legal names of the persons authorized to be married
16 by the license, the full legal names by which the persons will be
17 known after the marriage, their ages, and their places of residence;

18 4. Directions to any person authorized by law to perform and
19 solemnize the marriage ceremony;

20 5. A designation specifying that the parties have received
21 premarital counseling and the number of hours completed;

22 6. The date by which the completed marriage certificate, along
23 with the marriage license, shall be returned to the judge or court,
24

1 which shall not be more than thirty (30) days from the date of its
2 issuance; and

3 ~~6.~~ 7. Any other information, declarations, seals and
4 signatures, as required by law.

5 B. The marriage certificate provided for in this title shall
6 contain appropriate wording and blanks to be completed and endorsed,
7 as required by Section 8 of this title, by the person solemnizing or
8 performing the marriage ceremony, the witnesses, and the persons who
9 have been married.

10 SECTION 5. AMENDATORY 43 O.S. 2011, Section 107.2, is
11 amended to read as follows:

12 Section 107.2 A. In all actions for divorce, separate
13 maintenance, guardianship, paternity, custody or visitation,
14 including modifications or enforcements of a prior court order,
15 where the interest of a child under eighteen (18) years of age is
16 involved, the court ~~may~~ shall require all adult parties to attend an
17 educational program concerning, as appropriate, the impact of
18 separate parenting and coparenting on children, the implications for
19 visitation and conflict management, development of children,
20 separate financial responsibility for children and such other
21 instruction as deemed necessary by the court. The program shall be
22 educational in nature and not designed for individual therapy.

23 B. Each judicial district may adopt its own local rules
24 governing the program.

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SECTION 6. This act shall become effective November 1, 2012.

53-2-7980 SDR 01/09/12