

House Bill 378

By: Representatives Fleming of the 117th, May of the 111th, Loudermilk of the 14th, Hatfield of the 177th, and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,
2 relating to probate court costs and compensation, and Chapter 3 of Title 19 of the Official
3 Code of Georgia Annotated, relating to marriage generally, so as to provide for premarital
4 education; to provide for financial incentive to invest in premarital education; to provide for
5 matters relative to the additional fee for certain marriage license applications; to provide for
6 the requirements and elements of premarital education programs; to change provisions
7 relating to the contents of the application for a marriage license; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
12 probate court costs and compensation, is amended by striking paragraph (14) of subsection
13 (k) of Code Section 15-9-60, relating to costs, and inserting new paragraphs (14) and (14.1)
14 to read as follows:

15 "(14) Application for marriage license if the applicants have completed
16 premarital education pursuant to Code Section 19-3-30.1 10.00
17 (14.1) Application for a marriage license if the applicants have not
18 completed premarital education pursuant to Code Section 19-3-30.1 50.00"

19 SECTION 2.

20 Said article is further amended by adding a new Code section to follow Code Section
21 15-9-60.1, relating to additional marriage license fee for Children’s Trust Fund, to read as
22 follows:

23 "15-9-60.2.

24 When an applicant is required to pay the marriage application fee as set forth paragraph
25 (14.1) of subsection (k) of Code Section 15-9-60, the difference in the amount paid

1 pursuant to paragraph (14) of subsection (k) of Code Section 15-9-60 and the amount paid
 2 pursuant to paragraph (14.1) of subsection (k) of Code Section 15-9-60 shall not be paid
 3 into the Judges of the Probate Courts Retirement Fund of Georgia provided for in Chapter
 4 11 of Title 47 or be used for the purpose of calculating retirement benefits for judges of the
 5 probate courts."

6 **SECTION 3.**

7 Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage
 8 generally, is amended by adding a new Code section to read as follows:

9 "19-3-30.1.

10 (a) In applying for a marriage license, a man and woman who certify on the application
 11 for a marriage license that they have successfully completed a qualifying premarital
 12 education program shall be charged the fee set forth in paragraph (14) of subsection (k) of
 13 Code Section 15-9-60. In order to qualify for this fee schedule, the premarital education
 14 shall include at least six hours of instruction involving marital issues, which may include
 15 but not be limited to conflict management, communication skills, financial responsibilities,
 16 child and parenting responsibilities, and extended family roles. The premarital education
 17 shall be completed within 12 months prior to the application for a marriage license and the
 18 couple shall undergo the premarital education together. The premarital education shall be
 19 performed by:

- 20 (1) A professional counselor, social worker, or marriage and family therapist who is
 21 licensed pursuant to Chapter 10A of Title 43;
 22 (2) A psychiatrist who is licensed as a physician pursuant to Chapter 34 of Title 43;
 23 (3) A psychologist who is licensed pursuant to Chapter 39 of Title 43; or
 24 (4) An active member of the clergy when in the course of his or her service as clergy or
 25 his or her designee, including retired clergy, provided that a designee is trained and
 26 skilled in premarital education.

27 (b) Each premarital education provider shall furnish each participant who completes the
 28 premarital education required by this Code section a certificate of completion."

29 **SECTION 4.**

30 Said chapter is further amended by striking subsection (a) of Code Section 19-3-33, relating
 31 to the application for the marriage license and its contents, and inserting in lieu thereof the
 32 following:

33 "(a) A marriage license shall be issued on written application therefor, made by the persons
 34 seeking the license, verified by oath of the applicants. The application shall state that there
 35 is no legal impediment to the marriage and shall give the full present name of the proposed

1 husband and the full present name of the proposed wife with their dates of birth, their
2 present addresses, and the names of the father and mother of each, if known. If the names
3 of the father or mother of either are unknown, the application shall so state. The application
4 shall state that the persons seeking the license have or have not completed premarital
5 education pursuant to Code Section 19-3-30.1. If the application states that the applicants
6 seeking issuance of the license have completed premarital education, then the applicants
7 shall submit a signed and dated certificate of completion issued by the premarital education
8 provider."

9 **SECTION 5.**

10 All laws and parts of laws in conflict with this Act are repealed.