

**Marriage Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Jen Plumb**

---

---

**LONG TITLE**

**General Description:**

This bill addresses the marriage of a minor.

**Highlighted Provisions:**

This bill:

- does not allow the juvenile court to issue a written authorization for a minor to marry if there is an age difference between the parties of more than four years;
- requires a 72-hour waiting period before the juvenile court can issue a written authorization for a minor to marry; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**81-2-304**, as renumbered and amended by Laws of Utah 2024, Chapter 366

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **81-2-304** is amended to read:

**81-2-304 . Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.**

(1)(a) If an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:

- (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;
- (ii) if the parents of the minor are divorced and have been awarded joint custody of

- 32 the minor, consent shall be given by the parent having physical custody of the  
33 minor the majority of the time as evidenced by an oath of affirmation to the clerk;  
34 or
- 35 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the  
36 consent and provide proof of guardianship by court order as well as an oath of  
37 affirmation.
- 38 (b) Each applicant, and the minor's consenting parent or legal guardian if an applicant is  
39 a minor, shall appear in person before the county clerk and provide legal  
40 documentation to establish the following information:
- 41 (i) the legal relationship between the minor and the minor's parent or legal guardian;  
42 (ii) the legal name and identity of the minor; and  
43 (iii) the birth date of each applicant.
- 44 (c) An individual may present the following documents to satisfy a requirement  
45 described in Subsection (1)(b):
- 46 (i) for verifying the legal relationship between the minor and the minor's parent or  
47 legal guardian, one of the following:
- 48 (A) the minor's certified birth certificate with the name of the parent, and an  
49 official translation if the birth certificate is in a language other than English;  
50 (B) a report of a birth abroad with the name of the minor and the parent;  
51 (C) a certified adoption decree with the name of the minor and the parent; or  
52 (D) a certified court order establishing custody or guardianship between the minor  
53 and the parent or legal guardian;
- 54 (ii) for verifying the legal name and identity of the minor, one of the following:
- 55 (A) an expired or current passport;  
56 (B) a driver's license;  
57 (C) a certificate of naturalization;  
58 (D) a military identification  
59 (E) a state identification card; or  
60 (F) a government employee identification card from a federal, state, or municipal  
61 government; and
- 62 (iii) for verifying the birth date of each applicant, one of the following for each  
63 applicant:
- 64 (A) a certified birth certificate;  
65 (B) a report of a birth abroad;

- 66 (C) a certificate of naturalization;
- 67 (D) a certificate of citizenship;
- 68 (E) a passport;
- 69 (F) a driver's license; or
- 70 (G) a state identification card.
- 71 (d) An individual may not use a temporary or altered document to satisfy a requirement
- 72 described in Subsection (1)(b).
- 73 (2)(a) The minor and the parent or legal guardian of the minor shall obtain a written
- 74 authorization to marry from:
- 75 (i) a judge of the court exercising juvenile jurisdiction in the county where either
- 76 party to the marriage resides; or
- 77 (ii) a court commissioner as permitted by rule of the Judicial Council.
- 78 (b) Before issuing written authorization for a minor to marry, the judge or court
- 79 commissioner shall determine:
- 80 (i) that the minor is entering into the marriage voluntarily; and
- 81 (ii) the marriage is in the best interest of the minor under the circumstances.
- 82 (c) The judge or court commissioner shall require that both parties to the marriage
- 83 complete premarital counseling, except the requirement for premarital counseling
- 84 may be waived if premarital counseling is not reasonably available.
- 85 (d) The judge or court commissioner may require:
- 86 (i) that the minor continue to attend school, unless excused under Section 53G-6-204;
- 87 and
- 88 (ii) any other conditions that the court deems reasonable under the circumstances.
- 89 (e) The judge or court commissioner may not issue a written authorization [~~to the minor~~]
- 90 for a minor to marry if the age difference between both parties to the marriage is
- 91 more than [~~seven~~] four years.
- 92 (f) The judge or court commissioner may not issue a written authorization for a minor to
- 93 marry until at least 72 hours after the time at which the minor and the minor's parent
- 94 or legal guardian file the petition for the written authorization.
- 95 (3)(a) The determination required in Subsection (2) shall be made on the record.
- 96 (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.
- 97 (4)(a) A parent or legal guardian who knowingly consents or allows a minor to enter
- 98 into a marriage prohibited by law is guilty of a third degree felony.
- 99 (b) An individual is guilty of a third degree felony if the individual:

- 100 (i) knowingly, with or without a license, solemnizes the marriage of an individual
- 101 who is younger than 18 years old and the marriage is prohibited by law;
- 102 (ii) without a written authorization from the juvenile court, solemnizes a marriage to
- 103 which a party is a minor;
- 104 (iii) impersonates a parent or legal guardian of a minor to obtain a license for the
- 105 minor to marry; or
- 106 (iv) forges the name of a parent or legal guardian of a minor on any writing
- 107 purporting to give consent to a marriage of a minor.

108 **Section 2. Effective Date.**

109 This bill takes effect on May 7, 2025.