

## SENATE BILL No. 210

By Senator Lyon

2-12

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AN ACT concerning marriage; relating to counseling and fees; amending K.S.A. 2002 Supp. 23-106 and 23-108a and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2002 Supp. 23-106 is hereby amended to read as follows: 23-106. (a) The clerks of the district courts or judges thereof, when applied to for a marriage license by any person who is one of the parties to the proposed marriage and who is legally entitled to a marriage license, shall issue a marriage license in substance as follows:

### MARRIAGE LICENSE

(Name of place where office located, month, day and year.)

TO ANY PERSON authorized by law to perform the marriage ceremony, Greeting:

You are hereby authorized to join in marriage A B of \_\_\_\_\_, date of birth \_\_\_\_\_, and C D of \_\_\_\_\_, date of birth \_\_\_\_\_, (and name of parent or guardian consenting), and of this license, duly endorsed, you will make due return to this office immediately after performing the ceremony.

E F, (title of person issuing the license).

(b) (1) No clerk or judge of the district court shall issue a marriage license before the third calendar day (Sunday and holidays included) following the date of the filing of the application therefor in such clerk's or judge's office except that in cases of emergency or extraordinary circumstances, a judge of the district court may upon proper showing being made, permit by order of the court the issuance of such marriage license without waiting three days. Each district court shall keep a record of all marriages resulting from licenses issued by the court, which record shall show the names of the persons who were married and the date of the marriage. No clerk or judge shall issue a license authorizing the marriage of any person under the age of 18 years without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or

1 either of them are under 18 years of age and their parents are dead and  
2 there is no legal guardian then a judge of the district court may after due  
3 investigation give consent and issue the license authorizing the marriage.  
4 The judge or clerk may issue a license upon the affidavit of the party  
5 personally appearing and applying therefor, to the effect that the parties  
6 to whom such license is to be issued are of lawful age, as required by this  
7 section, and the judge or clerk is hereby authorized to administer oaths  
8 for that purpose.

9 (2) Every person swearing falsely in such affidavit shall be guilty of a  
10 misdemeanor and shall be punished by a fine not exceeding \$500. A clerk  
11 or judge of the district court shall state in every license the birth dates of  
12 the parties applying for the same, and if either or both are minors, the  
13 name of the father, mother, or guardian consenting to such marriage.

14 (c) (1) *No clerk or judge shall issue a marriage license to a man and*  
15 *woman until they complete a program in premarital counseling conducted*  
16 *by a licensed professional or an official representative of a religious in-*  
17 *stitution or have paid the fee as provided in subsection (a)(2) of K.S.A.*  
18 *23-108a and amendments thereto. The individuals applying for the mar-*  
19 *riage license shall verify completion of the program by a statement to that*  
20 *effect in the application affidavit and by filing with the application a*  
21 *certificate of completion from the program administrator.*

22 (2) *No clerk or judge shall issue a license authorizing the marriage of*  
23 *any person under the age of 18 years until both individuals applying for*  
24 *the license and at least one parent or guardian of each individual com-*  
25 *pletes a program of premarital counseling. The individuals applying for*  
26 *the marriage license and the parent or guardian who attended the pro-*  
27 *gram shall verify completion of the program by a statement to that effect*  
28 *in the application affidavit and by filing with the application a certificate*  
29 *of completion from the program administrator.*

30 (3) *As used in this section, a licensed professional means a marriage*  
31 *and family therapist meeting the requirements provided in article 64 of*  
32 *chapter 65 of the Kansas Statutes Annotated, and amendments thereto,*  
33 *or a licensed psychologist meeting the requirements provided in article*  
34 *53 of chapter 74 of the Kansas Statutes Annotated, and amendments*  
35 *thereto.*

36 (4) *Any authorized provider for premarital counseling must provide*  
37 *a fee schedule that accommodates families of various financial means,*  
38 *including allowing participation by indigent individuals for no fee.*

39 (d) Every marriage license shall expire at the end of six months from  
40 the date of issuance if the marriage for which the license was issued does  
41 not take place within the six-month period of time.

42 Sec. 2. K.S.A. 2002 Supp. 23-108a is hereby amended to read as  
43 follows: 23-108a. (a) *Except as otherwise provided by law, the judge or*

1 clerk of the district court shall collect from the applicant for a marriage  
2 license:

3 *(1) Who has complied with the premarital counseling programs as pro-*  
4 *vided in K.S.A. 23-106, and amendments thereto, a fee of \$50; or*

5 *(2) who has not complied with the premarital counseling program as*  
6 *provided in K.S.A. 23-106, and amendments thereto, a fee of \$200.*

7 (b) The clerk of the court shall remit all fees prescribed by this section  
8 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
9 and amendments thereto. Upon receipt of each such remittance, the state  
10 treasurer shall deposit the entire amount in the state treasury. Of each  
11 remittance, the state treasurer shall credit 46% to the protection from  
12 abuse fund, 17.92% to the family and children trust account of the family  
13 and children investment fund created by K.S.A. 38-1808, and amend-  
14 ments thereto, 20% to the crime victims assistance fund created by K.S.A.  
15 74-7334, and amendments thereto, and the remainder to the state general  
16 fund.

17 Sec. 3. K.S.A. 2002 Supp. 23-106 and 23-108a are hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its  
19 publication in the statute book.

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