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SENATE BILL 317

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mark L. Boitano

AN ACT

RELATING TO DOMESTIC AFFAIRS; ENACTING MARRIAGE ENHANCEMENT  
PROVISIONS REQUIRING PREMARITAL COUNSELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] FINDINGS AND PURPOSE. -- The legislature finds that as the family is the foundation of society and the marital relationship is the cornerstone of the family, strengthening marriages leads to stronger families and communities and the state has a compelling interest in educating its citizens with regard to the responsibilities of marriage and the effects of divorce. The purpose of the provisions of this act is to balance the right of individuals to marry with support for the enhancement and strengthening of marriages through the acquisition of certain skills.

Section 2. A new section of Chapter 40, Article 1 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] MARRIAGE LICENSE--PREMARITAL EDUCATION OR  
3 COUNSELING REQUIRED. --

4 A. Each couple desiring to marry in New Mexico  
5 shall together complete a program in premarital education or  
6 counseling. If one or both of the parties is a minor, a  
7 parent or legal guardian of each minor party must approve the  
8 program.

9 B. A premarital education or counseling program  
10 required by this section shall provide a minimum of six hours  
11 of education and counseling in no less than three separate  
12 sessions and shall include training for couples intending to  
13 marry.

14 C. A premarital education or counseling program  
15 required by this section shall be conducted only by one or  
16 more of the following:

- 17 (1) a licensed marriage and family therapist;
- 18 (2) a licensed psychiatrist or licensed  
19 psychologist;
- 20 (3) a licensed professional clinical mental  
21 health counselor;
- 22 (4) a licensed independent social worker;
- 23 (5) a certified family life educator; or
- 24 (6) an official representative of a religious  
25 institution or his designee.

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D. A person conducting a premarital education or counseling program required by this section shall provide participants who have completed the program written certification of completion of the program.

E. Except as provided in Subsection F of this section, a county clerk shall not issue a marriage license until the couple applying for the license files with the county clerk a certificate verifying completion of the premarital education or counseling required by this section.

F. If a couple applying for a marriage license fails to file the certificate required by Subsection E of this section but meets all other requirements for issuance of the license, the county clerk may issue the license after a period of one hundred eighty days has elapsed from the date of application for the license. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 12, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

11  
12 SENATE BILL 317

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14 has had it under consideration and reports same WITHOUT  
15 RECOMMENDATION, and thence referred to the JUDICIARY  
16 COMMITTEE.  
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19 Respectfully submitted,

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25 Shannon Robinson, Chairman

FORTY-SECOND LEGISLATURE  
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 5

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 4 For 3 Against

Yes: 4

No: Garcia, Howes, Robinson

Excused: Feldman, Smith

Absent: None

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