

HOUSE BILL NO. HB0065

Marital counseling.

Sponsored by: Representative(s) Buchanan and Brechtel and
Senator(s) Dockstader and Ross

A BILL

for

1 AN ACT relating to marriage; requiring premarital
2 counseling before a couple may obtain a marriage license as
3 specified; providing a waiting period before issuance of a
4 marriage license for parties who fail to complete
5 premarital counseling as specified; requiring marital
6 counseling before a married couple may obtain a divorce
7 decree as specified; providing a waiting period before
8 issuance of a divorce decree for parties who fail to
9 complete court ordered marital counseling as specified; and
10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 20-1-114 and 20-2-119 are created to
15 read:

16

1 **20-1-114. Marital counseling required; exemption.**

2

3 (a) Prior to obtaining a marriage certificate under
4 W.S. 20-1-103, a couple shall complete at least three (3)
5 hours of premarital counseling as specified in this
6 section. Premarital counseling under this section shall be
7 conducted by a licensed professional. The licensed
8 professional conducting the premarital counseling course
9 shall apply a professionally accepted methodology of
10 counseling as determined by the applicable board of the
11 professional rendering the premarital counseling.

12

13 (b) A premarital counseling course required under
14 this section shall strive to achieve the goals of:

15

16 (i) Strengthening marriages;

17

18 (ii) Reducing the divorce rate;

19

20 (iii) Reducing the physical, emotional and
21 financial stresses associated with unhealthy marriages;

22

23 (iv) Increasing the percentage of children who
24 are raised by two (2) parents in a healthy marriage;

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1 (v) Increasing the percentage of married couples
2 who are in healthy marriages;

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4 (vi) Increasing the percentage of premarital
5 couples who are equipped with the skills and knowledge
6 necessary to form and sustain a healthy marriage;

7

8 (vii) Increasing public awareness about the
9 value of healthy marriages and the skills and knowledge
10 that can help couples form and sustain healthy marriages;

11

12 (viii) Increasing the percentage of women, men
13 and children in homes that are free of domestic violence.

14

15 (c) A premarital counseling course shall emphasize
16 the core relationship areas of:

17

18 (i) Communications;

19

20 (ii) Finances;

21

22 (iii) Children; and

23

24 (iv) Conflict resolution.

25

1 (d) A licensed professional who provides premarital
2 counseling to parties pursuant to subsection (a) of this
3 section shall provide a signed and dated completion
4 certificate to each couple who completes the course. The
5 certificate shall include the name of the course, the name
6 of the course provider, the names of the couple completing
7 the course and the course completion date.

8

9 (e) When submitting an application for a marriage
10 license to the county clerk, if a party fails to provide a
11 certificate of completion of a premarital counseling course
12 issued pursuant to this section, no license shall be issued
13 to the party for one (1) calendar year from the date the
14 application was submitted. The provisions of this
15 subsection shall be waived for any party who submits to the
16 county clerk a certificate of completion of premarital
17 counseling any time after applying for a marriage license.

18

19 (f) As used in this section "licensed professional"
20 means a person licensed under the applicable chapter of
21 title 33 as a:

22

23 (i) Psychiatrist;

24

- 1 (ii) Psychologist;
- 2
- 3 (iii) Professional counselor;
- 4
- 5 (iv) Marriage and family therapist; or
- 6
- 7 (v) Social worker.
- 8

9 **20-2-119. Marital counseling required; exemption.**

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11 (a) Prior to obtaining a divorce decree under this
12 article, a couple shall complete at least three (3) hours
13 of marital counseling as specified herein. Marital
14 counseling under this section shall be conducted by a
15 licensed professional. The licensed professional shall
16 apply a professionally accepted methodology of counseling as
17 determined by the applicable board of the professional
18 rendering the premarital counseling. The court may
19 exercise its discretion in ordering additional marital
20 counseling sessions upon a finding that additional marital
21 counseling will be beneficial to the parties. In
22 determining whether additional marital counseling will be
23 beneficial to the parties, the court shall consider the
24 confidential report of the licensed professional who

1 counseled the parties prepared pursuant to subsection (e)
2 of this section.

3

4 (b) The court may issue a divorce decree without
5 requiring the parties to complete marital counseling under
6 subsection (a) of this section if the court finds by clear
7 and convincing evidence that marital counseling will not
8 lead to a reconciliation of the parties.

9

10 (c) The costs of the marital counseling shall be paid
11 equally by both parties to the action unless the court
12 determines that one (1) party to the action is indigent.
13 If one (1) party to the action is indigent, then the other
14 party shall pay the full cost of the marital counseling.

15

16 (d) If the parties to the action do not successfully
17 complete marital counseling as ordered by the court
18 pursuant to subsection (a) of this section, a divorce
19 decree shall not be issued less than one (1) calendar year
20 from the date the complaint was filed.

21

22 (e) A licensed professional who provides marital
23 counseling to parties pursuant to subsection (a) of this
24 section shall provide a confidential report to the court

1 expressing the licensed professional's opinion whether
2 additional counseling would benefit the parties in
3 achieving a reconciliation.

4

5 (f) As used in this section "licensed professional"
6 means a person licensed under the applicable chapter of
7 title 33 as a:

8

9 (i) Psychiatrist;

10

11 (ii) Psychologist;

12

13 (iii) Professional counselor;

14

15 (iv) Marriage and family therapist; or

16

17 (v) Social worker.

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19 **Section 2.** W.S. 20-1-103(c)(iii) and by creating a
20 new paragraph (iv) and 20-2-108 are amended to read:

21

22 **20-1-103. License; required.**

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24 (c) Unless there is an order to waive the requirements
25 of this section by a judge of a court of record in the

1 county pursuant to W.S. 20-1-105, the clerk shall refuse to
2 issue a license if:

3

4 (iii) Either party is a minor and the consent of
5 a parent or guardian has not been given; ~~or~~ or

6

7 (iv) Either party fails to comply with the
8 requirements of W.S. 20-1-114(a) and (e).

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10 **20-2-108. Action conducted as civil action.**

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12 Actions to annul or affirm a marriage, for a divorce or to
13 establish any order regarding the maintenance or custody of
14 children shall be conducted in the same manner as civil
15 actions, and the court may decree costs and enforce its
16 decree as in other cases, except a divorce decree shall not
17 be entered less than twenty (20) days from the date the
18 complaint is filed. If the parties do not successfully
19 complete marital counseling as ordered by the court, a
20 divorce decree shall not issue until such time as specified
21 in W.S. 20-2-119(e).

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23 **Section 3.** This act is applicable to all divorce
24 actions initially filed on or after July 1, 2011.

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1 **Section 4.** This act is effective July 1, 2011.

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3

(END)