

## **IC 31-11-4**

### **Chapter 4. Marriage Licenses and Certificates**

#### **IC 31-11-4-0.2**

##### **Effect of enactment of prior law**

Sec. 0.2. The addition of IC 31-7-3-15.5 (before its repeal, now codified at section 17 of this chapter) by P.L.143-1994 applies to marriages performed before, on, and after March 8, 1994.

*As added by P.L.220-2011, SEC.489.*

#### **IC 31-11-4-0.3**

##### **Legalization of court orders relating to certain marriages; issuance of duplicate license; state department of health shall accept order**

Sec. 0.3. (a) If before March 8, 1994:

- (1) an individual who solemnized a marriage failed to appropriately complete the marriage certificate or timely file the duplicate marriage certificate and marriage license with the clerk as required by IC 31-7-3-15 (before its repeal, now codified at section 16 of this chapter);
- (2) a party to the marriage petitioned a circuit court with jurisdiction in the county in which the marriage occurred to affirm the marriage as of the date the marriage occurred; and
- (3) the court issued an order affirming the marriage as of the date the marriage occurred;

the court order is legalized and has the same legal effect as a properly attested and filed marriage certificate.

(b) If the clerk of the court receives a court order affirming the marriage described in subsection (a), the clerk of the court shall issue a duplicate license with the date the marriage occurred to the party who sought declaratory relief.

(c) The state department of health shall accept the order described in subsection (a) as it accepts other marriage records received from county clerks.

*As added by P.L.220-2011, SEC.490.*

#### **IC 31-11-4-0.4**

##### **Legalization of certain marriage licenses issued after August 31, 1984, and before April 16, 1985**

Sec. 0.4. A marriage solemnized under the legal authority of a license that:

- (1) was issued under the authority of a circuit, superior, or juvenile court after August 31, 1984, and before April 16, 1985; and
- (2) would have been validly issued under IC 31-1-1-1 if that statute had been in effect;

is legalized if performed in conformity with all other statutes in effect at the time of the marriage.

*As added by P.L.220-2011, SEC.491.*

#### **IC 31-11-4-1**

### **Marriage license required to marry**

Sec. 1. Before two (2) individuals may marry each other, the individuals must obtain a marriage license under this chapter.

*As added by P.L.1-1997, SEC.3.*

### **IC 31-11-4-2**

#### **Prerequisites for issuance of marriage license**

Sec. 2. A clerk of a circuit court may not issue a marriage license unless the individuals who apply for the license have the authority to marry each other under IC 31-11-1.

*As added by P.L.1-1997, SEC.3.*

### **IC 31-11-4-3**

#### **County of residence or solemnization; place to obtain license**

Sec. 3. Individuals who intend to marry must obtain a marriage license from the clerk of the circuit court of the county of residence of either of the individuals. If neither of the individuals who intends to marry is a resident of Indiana, the individuals must obtain the marriage license from the clerk of the circuit court of the county in which the marriage is to be solemnized.

*As added by P.L.1-1997, SEC.3.*

### **IC 31-11-4-4**

#### **Application; sexually transmitted diseases acknowledgment; religious objections**

Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
  - (A) the birth parents of the applicant if the applicant is not adopted; or
  - (B) the adoptive parents of the applicant if the applicant is adopted.
- (7) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
- (8) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

#### **ACKNOWLEDGMENT**

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and

a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

(1) verify the application under subsection (a) by oath or affirmation; or

(2) sign the acknowledgment described in subsection (a)(8).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

(1) verifying the application under subsection (a) by oath or affirmation; or

(2) signing the acknowledgment described in subsection (a)(8);

the clerk of the circuit court shall indicate that fact on the application for a marriage license.

*As added by P.L.1-1997, SEC.3. Amended by P.L.213-1999, SEC.8; P.L.86-2002, SEC.5.*

#### **IC 31-11-4-5**

#### **Distribution of information concerning dangerous communicable diseases that are sexually transmitted**

Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written information or videotaped information approved by the AIDS advisory council of the state department of health concerning dangerous communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV)

infection and other dangerous communicable diseases that are sexually transmitted. The information must include an explanation of the following:

- (1) The etiology of dangerous communicable diseases that are sexually transmitted.
- (2) The behaviors that create a high risk of transmission of such diseases.
- (3) Precautionary measures that reduce the risk of contracting such diseases.
- (4) The necessity for consulting medical specialists if infection is suspected.

(c) At the time of application for a marriage license, each clerk of the circuit court shall:

- (1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or
- (2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted.

(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

(e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.

(f) If materials required by this section are not prepared by other sources, the state department of health shall prepare the materials.

(g) The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-6**

##### **Proof of birth date**

Sec. 6. Each individual who applies for a marriage license must submit to the clerk of the circuit court:

- (1) a certified copy of the individual's birth certificate;
- (2) a certified copy of a judicial decree issued under IC 34-28-1 (or IC 34-4-3 before its repeal) that establishes the date of the individual's birth;
- (3) any written evidence of the individual's date of birth that is satisfactory to the clerk; or

(4) a valid operator's license or other identification issued by a state that contains the individual's date of birth and current address.

*As added by P.L.1-1997, SEC.3. Amended by P.L.1-1998, SEC.158.*

#### **IC 31-11-4-7**

##### **Birth date information required for issuance of marriage license**

Sec. 7. A clerk of a circuit court or a deputy of the clerk may not issue a marriage license unless the application for the license is accompanied by the information required to be submitted by section 6 of this chapter.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-8**

##### **Filing of consent to marry; entry of notice of filing**

Sec. 8. If a written consent is required by IC 31-11-2, a clerk of a circuit court may not receive an application for a marriage license unless:

- (1) the clerk has filed the consent form in the clerk's office; and
- (2) the clerk has entered a notice of the filing on the marriage license docket.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-9**

##### **Expiration of application**

Sec. 9. An application for a marriage license expires sixty (60) days after the application is filed with the clerk of the circuit court unless a license to marry is issued under the application within that time.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-10**

##### **Expiration of license**

Sec. 10. A marriage license expires sixty (60) days after the license is issued unless a marriage is solemnized under the license within that time.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-11**

##### **Conditions precluding issuance of marriage license**

Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

- (1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; or
- (2) is under the influence of an alcoholic beverage or a narcotic drug.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-12**

##### **Refusal to issue marriage license; notice; hearing; finding; costs**

Sec. 12. (a) If it appears that two (2) individuals do not have a right to a marriage license, the clerk of the circuit court shall refuse to issue the license. If the clerk refuses to issue the license and if requested by the individuals, the clerk shall:

- (1) certify the refusal to the circuit court; and
- (2) notify the individuals of the clerk's actions.

(b) At the earliest practicable time, the court shall hold a hearing on whether a marriage license should be issued to the individuals. The court shall notify the individuals of the time and place of the hearing. The hearing shall be held without a jury and may be held in court or in chambers. The court's finding concerning the issuance of a license is final.

(c) The clerk of the circuit court shall:

- (1) issue; or
- (2) refuse to issue;

a marriage license in conformance with the court's order.

(d) The individuals who intend to marry are not liable for costs for any actions taken under this section.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-13**

##### **Duty to present marriage license to individual authorized to solemnize marriages**

Sec. 13. Individuals who intend to marry each other must present a marriage license that is issued under this chapter to an individual who is authorized by IC 31-11-6 to solemnize marriages.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-14**

##### **Marriage license as authorization of solemnization of marriage**

Sec. 14. A marriage license that is issued under this chapter is the legal authority for an individual who is authorized to solemnize marriages to marry two (2) individuals.

*As added by P.L.1-1997, SEC.3.*

#### **IC 31-11-4-15**

##### **Marriage certificates**

Sec. 15. Each marriage license must have two (2) certificates attached to the license. The state department of health shall prescribe a uniform form for these certificates. One (1) certificate must be marked "Original" and one (1) certificate must be marked "Duplicate". Each certificate must contain the following:

###### **MARRIAGE CERTIFICATE**

I \_\_\_\_\_ (name) certify that on \_\_\_\_\_ (date) at \_\_\_\_\_ in \_\_\_\_\_ County, Indiana, \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state) and \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state) were married by me as authorized under a marriage license that was issued by the Clerk of the Circuit Court of \_\_\_\_\_ County, Indiana, dated \_\_\_\_\_.

Signed

(OFFICIAL DESIGNATION)

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-4-16**

**Completion, disposition, filing, and recording of marriage certificates and marriage licenses**

Sec. 16. (a) The individual who solemnizes a marriage shall do the following:

- (1) Complete the original and duplicate certificates described in section 15 of this chapter.
- (2) Give the original certificate to the individuals who married each other.
- (3) Not later than thirty (30) days after the date of the marriage, file the duplicate certificate and the license to marry with the clerk of the circuit court who issued the marriage license.

(b) The clerk of the circuit court shall record the duplicate certificate and license to marry as prescribed by the state department of health under section 15 of this chapter.

(c) If a duplicate certificate and marriage license are filed with a clerk of the circuit court who did not issue the marriage license, the clerk shall return the certificate and license to the clerk of the circuit court who issued the license.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-4-17**

**Failure to file marriage certificates and marriage licenses; declaratory order upon proof of marriage; legal effect; recording requirements**

Sec. 17. (a) If the individual who solemnizes a marriage fails to:

- (1) appropriately complete the certificate of marriage; or
- (2) timely file the duplicate marriage certificate and marriage license with the clerk of the circuit court;

as required by section 16 of this chapter, either party to the marriage may file for a declaratory judgment in the circuit court with jurisdiction in the county in which the marriage occurred.

(b) Upon proof by oral testimony or affidavits, the court may issue a declaratory order that:

- (1) the marriage of the individuals listed was solemnized before the date the original marriage license expired;
- (2) any error by the party who solemnized the marriage does not affect the validity of the marriage; and
- (3) the clerk of the circuit court shall:
  - (A) accept the order for filing; and
  - (B) issue a duplicate marriage license with the date the marriage occurred to the party who sought declaratory relief.

(c) A court order issued under this section has the same legal effect as a properly attested and filed marriage certificate.

(d) The clerk of the circuit court shall record the duplicate license and court order and forward a copy of the marriage records to the state department of health on at least a monthly basis.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-4-18**

**Records of marriage; paper or electronic forms; index**

Sec. 18. (a) The clerk of the circuit court shall forward records of marriage to the state department of health on at least a monthly basis.

A clerk:

(1) may forward a record of marriage to the state department of health in:

(A) a paper form; or

(B) an electronic form by using:

(i) an automated system developed by the judicial technology and automation project; or

(ii) another automated system approved by the state department of health; and

(2) who forwards a record of marriage to the state department of health in an electronic form is not required to forward the record of marriage to the state department of health in a paper form.

(b) The state department of health shall:

(1) prescribe a form for recording marriages;

(2) accept a court order under section 17 of this chapter (or IC 31-7-3-15.5 before its repeal) in place of a marriage certificate;

(3) prepare an annual index of all marriages solemnized in Indiana and furnish at least one (1) index to the Indiana state library; and

(4) furnish reports on records of marriage published by the state department of health to the Indiana state library.

*As added by P.L.1-1997, SEC.3. Amended by P.L.22-2012, SEC.1.*

**IC 31-11-4-19**

**Public inspection of statistical data from marriage records**

Sec. 19. Statistical data derived from records of marriages are open to public inspection.

*As added by P.L.1-1997, SEC.3.*