HOUSE BILL No. 1227

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-11-5-4.5; IC 31-11-5-6.

Synopsis: Rubella tests for marriage certificates. Removes the requirement that the circuit court clerk must retain the physician and laboratory reports as a part of the marriage license application. Requires the circuit court clerk to note information from these reports on the license. Provides that if a circuit court clerk is ordered to issue a marriage license by a court, the clerk is not required to state information from the physician and laboratory reports on the application.

Effective: July 1, 1998.

Richardson

January 13, 1998, read first time and referred to Committee on Families, Children, and Human Affairs.

C o p y

Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

C o p y

HOUSE BILL No. 1227

A BILL FOR AN ACT to amend the Indiana Code concerning family law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-11-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 4.5. A clerk of the circuit court shall review the statement of the physician and the statement from the laboratory required by section 3 of this chapter and shall note on the application for the marriage license the following:**

(1) The name of the person examined and tested.

(2) The name and address of the examining physician.

(3) The date of the examination by the physician.

(4) If the individual is a female less than fifty (50) years of age, a statement as to whether the individual has an immunological response to rubella.

(5) If results of a test for rubella are not noted, a statement as to whether the physician's report contained an objection by the person examined to the test on religious grounds.

(6) The name and address of the laboratory that performed the test.

(7) The name of the test performed.

(8) The date the test was completed.

The clerk is not required to keep a copy of the statement from the physician or the laboratory.

SECTION 2. IC 31-11-5-6, AS ADDED BY P.L.1-1997, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Individuals who intend to marry each other may petition a court to order the clerk of the circuit court to issue a license to marry to the individuals by:

(1) removing the requirement of submitting a report required by section 2 of this chapter; or

(2) extending the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal).

(b) The petition made under subsection (a) may be made in writing or orally. The petition must be made to the judge of a circuit or superior court of a county:

(1) in which either of the individuals who desire to marry resides; or

(2) that is adjacent to a county in which either of the individuals who intend to marry resides.

(c) After a petition is made under this section, the judge may conduct investigations and hold hearings on the petition. The judge may order the clerk of the circuit court to issue a license to marry under subsection (d) if the judge:

(1) gives due consideration to the facts relevant to the issue presented by the petition;

(2) finds that good and sufficient reason has been shown to issue the order;

(3) finds that it is in the best interests of all persons concerned with the issues raised in the petition to issue the order; and

(4) finds that the public welfare and health will not be injuriously affected by the order.

(d) If the judge complies with subsection (c), the judge may, by written order, direct the clerk of the circuit court to issue the individuals a license to marry by:

(1) removing the requirement of submitting a report required by section 2 of this chapter; or

(2) extending the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal).

(e) The judge may not extend the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal) more than ninety (90) days after the date the physician made the

C o p y

examination. The judge may order the clerk of the circuit court to issue a marriage license to the petitioners.

(f) The judge may not make a finding that a petitioner is infected with syphilis unless:

(1) the result of the blood test; and

(2) the physician's report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal);

have been exhibited to the judge.

(g) Whenever a clerk of the circuit court is ordered to issue a marriage license under subsection (d) of this section, the clerk is not required to state on the application the information required by IC 31-11-5-4.5.

~~(g)~~ **(h)** Each order made by a judge under this section must be accompanied by a written memorandum prepared by the judge that recites the reasons for issuing the order. Each order and memorandum made under this section:

(1) shall be filed with the clerk of the circuit court;

(2) is confidential; and

(3) is not a public record.

~~(h)~~ **(i)** All communications concerning an order or a memorandum made under this section are privileged communications.

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