

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6164**

**BILL NUMBER: HB 1842**

**DATE PREPARED:** Nov 16, 1998

**BILL AMENDED:**

**SUBJECT:** Premarital education.

**FISCAL ANALYST:** Ron Sobecki

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**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes a waiting period of 60 days after a person applies for a marriage license before the person is allowed to marry. The bill provides an exception to the waiting period if the person petitions a court and the court finds good and sufficient reason and that it is in the best interests of all the individuals concerned with the petition to issue an order waiving the waiting period. It reduces the waiting period to three days if the person participates in a premarital education course as prescribed by statute.

This bill requires that the premarital education course must consist of at least four hours of instruction. The bill requires that the premarital education course must include instruction on conflict management, communication skills, financial responsibilities, and parenting. It requires that the premarital education course must be provided by certain qualified instructors. The bill also requires the marriage license applicant to pay for the costs of the premarital education course. It requires each qualified premarital education course instructor to furnish each participant of the premarital instruction with a certificate of completion that the participant must file with the Clerk of Court.

This bill requires each qualified instructor of premarital education to file certain information regarding the instructor's qualifications with the Clerk of Court. The bill confers upon researchers from Indiana University-Bloomington, School of Social Work, the responsibility to determine the effectiveness of premarital education courses offered throughout Indiana. It allows Indiana University-Bloomington, School of Social Work, to create premarital education pilot programs. The bill also increases from 60 to 120 days the period during which a marriage license application expires unless a license to marry is issued within that time.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill requires the Indiana University School of Social Work to

conduct a survey of premarital education courses offered within the state. The bill also requires the School of Social Work to determine the effectiveness of the premarital education courses. The cost of completing the survey and to determine the effectiveness of the courses is estimated to be \$50,000. This cost includes the use of a principle investigator, mailings, and writing and printing the report. The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Funds that, otherwise, would be reverted; or (4) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

**Explanation of State Revenues:** The bill allows individuals who intend to marry to petition the court to waive the waiting period for issuance of a marriage license. According to the Division of State Court Administration these petitions to the court would be considered either a civil plenary or civil miscellaneous filing and would be subject to the standard \$100 filing fee for civil cases. If the action is filed in a trial court, 70% is deposited into the State General Fund. If the action is filed in a city or town court, the State General Fund receives 50%. The exact amount of revenue collected would be dependant on the petitions filed.

**Explanation of Local Expenditures:** This bill allows individuals to petition a court to waive the waiting period for issuance of a marriage license. This provision could have an impact on the courts if a large number of petitions are filed and the court must decide whether to grant the marriage license. The impact of this provision is unknown and dependant on the number of petitions for a waiver that are filed.

The bill requires the Clerk of the Circuit Court to establish a roster of qualified instructors. All area qualified instructors are required to register with the Clerk of the Circuit Court and file an affidavit in writing attesting to the instructor's compliance with the premarital education course requirements. These requirements place an additional responsibility on the Clerk of the Circuit Court, but this can be done within the existing budget.

**Explanation of Local Revenues:** If the action is filed in a trial court, the county general fund receives 27% of the filing fee. The other 3% is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county. If the action is filed in a city or town court, the county general fund receives 25% and the city or town general fund receives the remaining 25%.

**State Agencies Affected:** Indiana University.

**Local Agencies Affected:** Clerks of the Circuit Courts, Courts.

**Information Sources:** Division of State Court Administration, IC 33-19-7.