

HOUSE BILL No. 1842

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-11-4; IC 31-11-4.5.

Synopsis: Premarital education. Establishes a waiting period of 60 days after a person applies for a marriage license before the person is allowed to marry. 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. Reduces the waiting period to three days if the person participates in a premarital education course as prescribed by statute. Requires that the premarital education course must consist of at least four hours of instruction. Requires that the premarital education course must include instruction on conflict management, communication skills, financial
(Continued next page)

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Judiciary.

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Digest Continued

responsibilities, and parenting. Requires that the premarital education course must be provided by certain qualified instructors. Requires the marriage license applicant to pay for the costs of the premarital education course. 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. Requires each qualified instructor of premarital education to file certain information regarding the instructor's qualifications with the clerk of court. Confers upon researchers from Indiana University-Bloomington, School of Social Work, the responsibility to determine the effectiveness of premarital education courses offered throughout Indiana. Allows Indiana University-Bloomington, School of Social Work, to create premarital education pilot programs. 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.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1842



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

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

1 SECTION 1. IC 31-11-4-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 3.5. (a) Except as provided in IC 31-11-4.5 and**
4 **subsection (b), a marriage license may not be issued unless sixty**
5 **(60) days have elapsed since the application is filed.**
6 **(b) Individuals who intend to marry each other may petition a**
7 **circuit or superior court to order the clerk of the circuit court to**
8 **issue the individuals a marriage license when the individuals apply**
9 **for the license. The petition made under this subsection may be**
10 **made in writing or orally. The petition must be made to a court of**
11 **a county:**
12 **(1) in which either of the individuals who desires to marry**
13 **resides; or**
14 **(2) that is adjacent to a county in which either of the**
15 **individuals who intends to marry resides.**



1 (c) After the petition is made under subsection (b), the court
 2 may, by written order, direct the clerk of the circuit court to issue
 3 a marriage license when the individuals apply for the license if the
 4 court finds that:

5 (1) good and sufficient reason has been shown to issue the
 6 order; and

7 (2) it is in the best interests of all individuals concerned with
 8 the issues raised in the petition to issue the order.

9 SECTION 2. IC 31-11-4-9 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. An application for
 11 a marriage license expires ~~sixty (60)~~ **one hundred twenty (120)** days
 12 after the application is filed with the clerk of the circuit court unless a
 13 license to marry is issued under the application within that time.

14 SECTION 3. IC 31-11-4-10 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. A marriage license
 16 expires ~~sixty (60)~~ **one hundred twenty (120)** days after the license is
 17 issued unless a marriage is solemnized under the license within that
 18 time.

19 SECTION 4. IC 31-11-4.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 1999]:

22 **Chapter 4.5. Premarital Education as a Prerequisite to a**
 23 **Shorter Waiting Period Before Issuance of a Marriage License**

24 **Sec. 1. A man and a woman who intend to apply for a marriage**
 25 **license under IC 31-11-4 may, jointly or individually, complete a**
 26 **premarital education course that consists of at least four (4) hours**
 27 **of instruction.**

28 **Sec. 2. Each person shall verify completion of a premarital**
 29 **education course by filing with the marriage license application a**
 30 **valid certificate of completion from a qualified premarital**
 31 **education instructor. The certificate must specify the information**
 32 **described in section 8 of this chapter.**

33 **Sec. 3. Each person who completes a premarital education**
 34 **course under this chapter must be issued a certificate of completion**
 35 **at the conclusion of the course by the course instructor.**

36 **Sec. 4. Upon furnishing a certificate of completion when**
 37 **applying for a marriage license, the individuals may be issued a**
 38 **marriage license if at least seventy-two (72) hours have elapsed**
 39 **since the application for the marriage license was filed.**

40 **Sec. 5. A premarital education course must include instruction**
 41 **regarding the following:**

42 (1) Conflict management.



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- 1 (2) Communication skills.
 2 (3) Financial responsibilities.
 3 (4) Children and parenting responsibilities.
 4 (5) Data compiled from available information relating to
 5 problems reported by married couples who seek marital or
 6 individual counseling.

7 **Sec. 6. (a) A person who participates in a premarital education**
 8 **course under this chapter shall choose from the following list of**
 9 **qualified instructors:**

- 10 (1) A psychologist licensed under IC 25-33-1.
 11 (2) A clinical social worker licensed under IC 25-23.6-5.
 12 (3) A marriage and family therapist licensed under
 13 IC 25-23.6-8.
 14 (4) A mental health counselor licensed under IC 25-23.6-8.5.
 15 (5) A member of the clergy of a religious organization.
 16 (6) A school counselor, if the school counselor has relevant
 17 training.

18 **(b) Each clerk of a circuit court shall establish a roster of**
 19 **qualified instructors in the area who are registered under section**
 20 **9 of this chapter.**

21 **Sec. 7. A marriage license applicant shall pay the costs of the**
 22 **premarital education course. The costs of the premarital education**
 23 **course may not be borne by the state.**

24 **Sec. 8. Each premarital education course provider shall furnish**
 25 **each participant who completes the course with a certificate of**
 26 **completion specifying the following:**

- 27 (1) The name of the course participant.
 28 (2) The date of completion of the course.
 29 (3) The number of course hours that the participant
 30 completed.
 31 (4) A statement confirming the course provider's credentials
 32 as a qualified instructor as described under section 6 of this
 33 chapter.
 34 (5) Whether the course was conducted by:
 35 (A) personal instruction;
 36 (B) videotape instruction;
 37 (C) instruction by other electronic medium; or
 38 (D) a combination of these methods.

39 **Sec. 9. (a) All area qualified instructors shall register with the**
 40 **clerk of the circuit court by filing an affidavit in writing attesting**
 41 **to the instructor's compliance with the premarital education course**
 42 **requirements set forth in this chapter, including the course**



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1 instructor's name, qualifications, and license number, if any. If the
2 qualified instructor is an official representative of a religious
3 institution or a school counselor, the affidavit must include a
4 statement as to the instructor's relevant training.

5 (b) The affidavit must also include the addresses where the
6 instructor may be contacted.

7 **Sec. 10. (a) Researchers from the Indiana**
8 **University-Bloomington, School of Social Work, shall conduct a**
9 **survey of premarital education courses offered and completed by**
10 **persons throughout Indiana to determine the effectiveness of the**
11 **premarital education courses.**

12 (b) The Indiana University-Bloomington, School of Social Work,
13 may create premarital education pilot programs that must be
14 administered by university course providers or by qualified
15 instructors as described in section 6 of this chapter. The pilot
16 programs must include statistical information and data obtained
17 by researchers from the Indiana University-Bloomington, School
18 of Social Work.

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