

IC 31-11-1

Chapter 1. Who May Marry

IC 31-11-1-1

Same sex marriages prohibited

Sec. 1. (a) Only a female may marry a male. Only a male may marry a female.

(b) A marriage between persons of the same gender is void in Indiana even if the marriage is lawful in the place where it is solemnized.

As added by P.L.1-1997, SEC.3. Amended by P.L.198-1997, SEC.1.

IC 31-11-1-2

Marriage to close relative prohibited; marriages between cousins; exceptions

Sec. 2. Two (2) individuals may not marry each other if the individuals are more closely related than second cousins. However, two (2) individuals may marry each other if the individuals are:

- (1) first cousins; and
- (2) both at least sixty-five (65) years of age.

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

IC 31-11-1-3

Bigamous marriages prohibited

Sec. 3. Two (2) individuals may not marry each other if either individual has a husband or wife who is alive.

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

IC 31-11-1-4

Minimum age for marriage

Sec. 4. Except as provided in section 5 or 6 of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

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

IC 31-11-1-5

Consent to underage marriage

Sec. 5. Two (2) individuals may marry each other if:

- (1) both individuals are at least seventeen (17) years of age;
- (2) each individual who is less than eighteen (18) years of age receives the consent required by IC 31-11-2; and
- (3) the individuals are not prohibited from marrying each other for a reason set forth in this article.

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

IC 31-11-1-6

Issuance of marriage license to underage persons; procedure; confidentiality of records

Sec. 6. (a) Two (2) individuals may marry each other if:

- (1) the individuals are not prohibited from marrying for a reason

set forth in this article; and

(2) a circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license.

(b) A court may not authorize the clerk of the circuit court to issue a marriage license under subsection (a) unless:

(1) the individuals have filed with the court a verified petition that includes allegations that:

(A) the female is at least fifteen (15) years of age;

(B) the female is pregnant or is a mother;

(C) each of the individuals who is less than eighteen (18) years of age has received the consent required by IC 31-11-2;

(D) the male is at least fifteen (15) years of age and is either:

(i) the putative father of the expected child of the female;
or

(ii) the father of the female's child; and

(E) the individuals desire to marry each other;

(2) the court has provided notice of the hearing required by this section to both parents of both petitioners or, if applicable to either petitioner:

(A) to the legally appointed guardian or custodian of a petitioner; or

(B) to one (1) parent of a petitioner if the other parent:

(i) is deceased;

(ii) has abandoned the petitioner;

(iii) is mentally incompetent;

(iv) is an individual whose whereabouts is unknown; or

(v) is a noncustodial parent who is delinquent in the payment of court ordered child support on the date the petition is filed;

(3) a hearing is held on the petition in which the petitioners and interested persons, including parents, guardians, and custodians, are given an opportunity to appear and present evidence; and

(4) the allegations of the petition filed under subdivision (1) have been proven.

(c) A court's authorization granted under subsection (a):

(1) constitutes part of the confidential files of the clerk of the circuit court; and

(2) may be inspected only by written permission of a circuit, superior, or juvenile court.

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