

IC 31-11

ARTICLE 11. FAMILY LAW: MARRIAGE

IC 31-11-0.1

Chapter 0.1. Legislative Intent

IC 31-11-0.1-1

"Repealed statutes"

Sec. 1. As used in this chapter, "repealed statutes" refer to the following statutes repealed by P.L.180-1986:

- (1) IC 16-1-37-7.
- (2) IC 31-1-1.
- (3) IC 31-1-2.
- (4) IC 31-1-3.
- (5) IC 31-1-4.
- (6) IC 31-1-5.
- (7) IC 31-1-6.
- (8) IC 31-1-7.
- (9) IC 31-1-8.
- (10) IC 31-1-9.

As added by P.L.220-2011, SEC.488.

IC 31-11-0.1-2

P.L.180-1986 intended to be codification and restatement; no effect on rights, liabilities, penalties, violations, or proceedings before March 4, 1986

Sec. 2. (a) P.L.180-1986 is intended to be a codification and restatement of applicable or corresponding provisions of the repealed statutes. If P.L.180-1986 repeals and replaces a provision in the same form or in a restated form, the substantive operation and effect of that provision continue uninterrupted.

(b) P.L.180-1986 does not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) violations committed; or
- (4) proceedings begun;

before March 4, 1986. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if P.L.180-1986 had not been enacted.

As added by P.L.220-2011, SEC.488.

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.

IC 31-11-2

Chapter 2. Consent to Marry Required for Certain Individuals

IC 31-11-2-1

Necessity of consent to marry

Sec. 1. Except as provided in section 3 of this chapter, each individual who is less than eighteen (18) years of age must obtain consent under this chapter before the individual may marry.

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

IC 31-11-2-2

Execution of consent to marry

Sec. 2. (a) A consent to marry under this chapter must be signed and verified in the presence of the clerk of the circuit court by:

- (1) both parents, natural or adoptive, of the individual who is less than eighteen (18) years of age;
- (2) the legally appointed guardian of the individual;
- (3) one (1) parent of the individual if legal custody has been awarded to that parent by a judicial decree; or
- (4) one (1) parent if the other parent:
 - (A) is deceased;
 - (B) has abandoned the individual who is less than eighteen (18) years of age;
 - (C) is physically or mentally incompetent to furnish the written consent; or
 - (D) is an individual whose whereabouts is unknown.

(b) If only one (1) parent signs the consent under subsection (a)(3) or (a)(4), the consent must contain a verified statement of fact that explains why only one (1) parent is required to sign the consent.

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

IC 31-11-2-3

Issuance of marriage license to minor not obtaining required consent; procedure

Sec. 3. (a) An individual who is less than eighteen (18) years of age may marry if:

- (1) the individual petitions the judge of the circuit or superior court of a county that is:
 - (A) the county of residence of the individual or the county of residence of the individual that the individual intends to marry; or
 - (B) a county that adjoins a county described in clause (A);
- (2) the judge of the circuit or superior court directs the clerk of the circuit court to issue the individuals who intend to marry each other a license to marry without obtaining the consent required by section 1 of this chapter; and
- (3) the individual is not prohibited from marrying for a reason set forth in IC 31-11-1.

(b) The petition made under subsection (a)(1) may be made in writing or orally. The judge of the court may conduct investigations

and hold hearings on the petition. The judge may, by written order, direct the clerk of the circuit court to issue a marriage license under subsection (a)(2) if the judge:

- (1) considers the facts relevant to the issue presented by the petition;
- (2) finds that good and sufficient reason for the order has been shown; and
- (3) finds that the order is in the best interest of all persons concerned with the issues raised in the petition.

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

IC 31-11-3

Chapter 3. Uniform Premarital Agreement Act

IC 31-11-3-1

Applicability of chapter

Sec. 1. This chapter applies to a premarital agreement executed on or after July 1, 1995.

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

IC 31-11-3-2

"Premarital agreement" defined

Sec. 2. As used in this chapter, "premarital agreement" means an agreement between prospective spouses that:

- (1) is executed in contemplation of marriage; and
- (2) becomes effective upon marriage.

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

IC 31-11-3-3

"Property" defined

Sec. 3. As used in this chapter, "property" means an interest, present or future, legal or equitable, vested or contingent, in real and personal property, including income and earnings.

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

IC 31-11-3-4

Agreement must be in writing; consideration not required

Sec. 4. A premarital agreement must be in writing and signed by both parties. The agreement is enforceable without consideration.

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

IC 31-11-3-5

Content; child support unaffected

Sec. 5. (a) Parties to a premarital agreement may contract with each other regarding the following matters:

- (1) The rights and obligations of each of the parties in any property of either or both of them whenever and wherever acquired or located.
- (2) The right to:
 - (A) buy;
 - (B) sell;
 - (C) use;
 - (D) exchange;
 - (E) abandon;
 - (F) lease;
 - (G) consume;
 - (H) expend;
 - (I) assign;
 - (J) create a security interest in;
 - (K) mortgage;
 - (L) encumber;

- (M) dispose of; or
 - (N) otherwise manage and control;
- property.
- (3) The disposition of property upon:
 - (A) legal separation;
 - (B) dissolution of marriage;
 - (C) death; or
 - (D) the occurrence or nonoccurrence of any other event.
 - (4) The modification or elimination of spousal maintenance.
 - (5) The making of:
 - (A) a will;
 - (B) a trust; or
 - (C) other arrangement;to carry out the provisions of the agreement.
 - (6) The ownership rights in and disposition of a death benefit from a life insurance policy.
 - (7) The choice of law governing the construction of the agreement.
 - (8) Any other matter not in violation of public policy or a statute imposing a criminal penalty, including the personal rights and obligations of the parties.
- (b) A premarital agreement may not adversely affect the right of a child to support.
- As added by P.L.1-1997, SEC.3.*

IC 31-11-3-6

Effective date

Sec. 6. A premarital agreement becomes effective upon marriage.

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

IC 31-11-3-7

Amendment or revocation must be in writing; consideration not required

Sec. 7. After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

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

IC 31-11-3-8

Enforceability of agreement

Sec. 8. (a) A premarital agreement is not enforceable if a party against whom enforcement is sought proves that:

- (1) the party did not execute the agreement voluntarily; or
- (2) the agreement was unconscionable when the agreement was executed.

(b) If:

- (1) a provision of a premarital agreement modifies or eliminates spousal maintenance; and
- (2) the modification or elimination causes one (1) party to the

agreement extreme hardship under circumstances not reasonably foreseeable at the time of the execution of the agreement;

a court, notwithstanding the terms of the agreement, may require the other party to provide spousal maintenance to the extent necessary to avoid extreme hardship.

(c) A court shall decide an issue of unconscionability of a premarital agreement as a matter of law.

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

IC 31-11-3-9

Effect of void marriage

Sec. 9. If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

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

IC 31-11-3-10

Tolling of statute of limitations during marriage; equitable defenses

Sec. 10. Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

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

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

Marriage records, forms, and indexes

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

(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.

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.

IC 31-11-5

Repealed

(Repealed by P.L.41-2005, SEC.2.)

IC 31-11-6

Chapter 6. Authority to Solemnize Marriages

IC 31-11-6-1

Persons authorized to solemnize marriages

Sec. 1. Marriages may be solemnized by any of the following:

- (1) A member of the clergy of a religious organization (even if the cleric does not perform religious functions for an individual congregation), such as a minister of the gospel, a priest, a bishop, an archbishop, or a rabbi.
- (2) A judge.
- (3) A mayor, within the mayor's county.
- (4) A clerk or a clerk-treasurer of a city or town, within a county in which the city or town is located.
- (5) A clerk of the circuit court.
- (6) The Friends Church, in accordance with the rules of the Friends Church.
- (7) The German Baptists, in accordance with the rules of their society.
- (8) The Bahai faith, in accordance with the rules of the Bahai faith.
- (9) The Church of Jesus Christ of Latter Day Saints, in accordance with the rules of the Church of Jesus Christ of Latter Day Saints.
- (10) An imam of a masjid (mosque), in accordance with the rules of the religion of Islam.

As added by P.L.1-1997, SEC.3. Amended by P.L.34-1999, SEC.1.

IC 31-11-7

Chapter 7. Rights and Liabilities Incident to Marriage

IC 31-11-7-1**Abolition of legal disabilities of married women to make contracts**

Sec. 1. All legal disabilities of a married woman to make contracts are abolished.

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

IC 31-11-7-2**Married women's property rights**

Sec. 2. A married woman has the same rights concerning real and personal property that an unmarried woman has.

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

IC 31-11-7-3**Tort liability of married women**

Sec. 3. A married woman is liable for torts committed by the woman.

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

IC 31-11-7-4**Husband's immunity for wife's contracts or torts**

Sec. 4. A husband is not liable for the contracts or torts of his wife.

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

IC 31-11-8

Chapter 8. Void Marriages

IC 31-11-8-0.3

Legalization of certain marriages between first cousins

Sec. 0.3. Marriages between first cousins that were solemnized before April 9, 1907, are legalized.

As added by P.L.220-2011, SEC.492.

IC 31-11-8-1

Marriages void without legal proceedings

Sec. 1. A marriage that is solemnized in Indiana and is void under section 2, 3, or 5 of this chapter is void without any legal proceedings.

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

IC 31-11-8-2

Prior existing marriage

Sec. 2. A marriage is void if either party to the marriage had a wife or husband who was living when the marriage was solemnized.

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

IC 31-11-8-3

Marriage to close relative; marriages between cousins; exceptions

Sec. 3. A marriage is void if the parties to the marriage are more closely related than second cousins. However, a marriage is not void if:

- (1) the marriage was solemnized after September 1, 1977;
- (2) the parties to the marriage are first cousins; and
- (3) both of the parties were at least sixty-five (65) years of age when the marriage was solemnized.

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

IC 31-11-8-4

Mentally incompetent persons

Sec. 4. A marriage is void if either party to the marriage was mentally incompetent when the marriage was solemnized.

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

IC 31-11-8-5

Common law marriages entered into after January 1, 1958

Sec. 5. A marriage is void if the marriage is a common law marriage that was entered into after January 1, 1958.

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

IC 31-11-8-6

Foreign marriage solemnized between Indiana residents to evade Indiana law

Sec. 6. A marriage is void if the parties to the marriage:

- (1) are residents of Indiana;

(2) had their marriage solemnized in another state with the intent to:

(A) evade IC 31-11-4-4 or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and

(B) subsequently return to Indiana and reside in Indiana; and

(3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.

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

IC 31-11-9

Chapter 9. Voidable Marriages

IC 31-11-9-1**Actions to annul voidable marriages**

Sec. 1. Actions to annul voidable marriages under this chapter are governed by IC 31-11-10.

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

IC 31-11-9-2**Incapacity to marry because of age or mental incompetence**

Sec. 2. A marriage is voidable if a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

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

IC 31-11-9-3**Fraud**

Sec. 3. A marriage is voidable if the marriage was brought about through fraud on the part of one (1) of the parties to the marriage.

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

IC 31-11-10

Chapter 10. Actions to Annul Voidable Marriages

IC 31-11-10-0.3

Legalization of certain judgments for annulment of marriage

Sec. 0.3. A judgment for annulment of marriage that was:

- (1) entered before February 27, 1937;
- (2) granted because of fraud on the part of a party to the marriage; and
- (3) granted in a case in which the defendant received service by publication;

is legalized.

As added by P.L.220-2011, SEC.493.

IC 31-11-10-1

Action by party incapable of contracting marriage because of age or mental incompetence

Sec. 1. (a) This section applies to a marriage that is voidable under IC 31-11-9-2 on the ground that a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

(b) The incapable party described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

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

IC 31-11-10-2

Action by victim of fraud; defense

Sec. 2. (a) This section applies to a marriage that is voidable under IC 31-11-9-3 on the ground that the marriage was brought about through fraud on the part of one (1) of the parties to the marriage.

(b) The alleged victim of fraud described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

(c) It is a defense in an action brought under this section that, after the discovery of the alleged fraud, the alleged victim continued to cohabit with the other party to the marriage.

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

IC 31-11-10-3

Jurisdiction

Sec. 3. A circuit or superior court has jurisdiction over actions to annul voidable marriages under this chapter.

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

IC 31-11-10-4

Procedure

Sec. 4. An action to annul a voidable marriage under this chapter must be conducted in accordance with IC 31-15.

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

IC 31-11-11

Chapter 11. Offenses

IC 31-11-11-1

False information in marriage license application

Sec. 1. A person who knowingly furnishes false information to a clerk of the circuit court when the person applies for a marriage license under IC 31-11-4 commits a Class D felony.

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

IC 31-11-11-2

False information in verified written consent

Sec. 2. A person who knowingly furnishes false information in a verified written consent under IC 31-11-2 commits a Class D felony.

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

IC 31-11-11-3

False information concerning applicant's physical condition

Sec. 3. An applicant for a marriage license who knowingly furnishes false information concerning the applicant's physical condition to the clerk of a circuit court commits a Class D felony.

As added by P.L.1-1997, SEC.3. Amended by P.L.41-2005, SEC.1.

IC 31-11-11-4

Acceptance of false information concerning applicant's physical condition

Sec. 4. A clerk of the circuit court or a deputy of the clerk who issues a license to marry, knowing that the information concerning the physical condition of an applicant is false, commits a Class B misdemeanor.

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

IC 31-11-11-5

Solemnization of marriage in violation of this article

Sec. 5. A person who:

- (1) is authorized to solemnize marriages by IC 31-11-6; and
- (2) solemnizes a marriage in violation of this article;

commits a Class C infraction.

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

IC 31-11-11-6

Attempt to solemnize marriage by person not authorized to solemnize marriages

Sec. 6. A person who:

- (1) attempts to solemnize a marriage; and
- (2) is not authorized to solemnize marriages by IC 31-11-6;

commits a Class B misdemeanor.

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

IC 31-11-11-7

Solemnization of marriage between persons prohibited from marrying

Sec. 7. A person who knowingly solemnizes a marriage of individuals who are prohibited from marrying by IC 31-11-1 commits a Class B misdemeanor.

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

IC 31-11-11-8

Failure to timely file marriage license and duplicate marriage certificate

Sec. 8. A person who:

- (1) solemnizes a marriage; and
- (2) fails to file the marriage license and a duplicate marriage certificate with the clerk of the circuit court not later than ninety (90) days after the date the marriage was solemnized;

commits a Class C infraction.

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