



Marriage License Process & Change of Venue

2024 Annual Clerks Conference

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Marriage License Process



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Issuance and Obtaining a Marriage License



IC 31-11-4-2 states:

“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.”

IC 31-11-4-3 states:

“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.”

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Application Requirements




IC 31-11-4-4 section (a) states:


“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) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.
- (8) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
- (9) 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 human immunodeficiency virus (HIV)...”


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<p style="text-align: center;">Proof of Birth Date</p> 	<p>IC 31-11-4-6 states:</p> <p>“Each individual who applies for a marriage license must submit to the clerk of the circuit court documentary proof of the individual's age, in the form of:</p> <p>(1) a:</p> <ul style="list-style-type: none"> (A) certified copy of the individual's birth certificate; (B) copy of a birth record; or (C) certification of birth issued by the Indiana department of health, a local registrar of vital statistics, or another public office charged with similar duties under the law of another state, territory, or country; <p>(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;</p> <p>(3) a passport;</p> <p>(4) a valid driver's license or other identification that is issued by a state or another governmental entity and that contains the individual's date of birth and current address;</p> <p>(5) an immigration or naturalization record showing the individual's date of birth;</p> <p>(6) a United States selective service card or armed forces record showing the individual's date of birth; or</p> <p>(7) a:</p> <ul style="list-style-type: none"> (A) court record; or (B) document or record issued by a governmental entity; <p>showing the individual's date of birth.”</p>
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<p style="text-align: center;">Required for Issuance</p> 	<p>IC 31-11-4-7 states:</p> <p>“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.”</p>
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<h2 style="text-align: center;">Expiration of Application and License</h2> 	<p>IC 31-11-4-9 states:</p> <p>"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.</p> <p>IC 31-11-4-10 states:</p> <p>"A marriage license expires sixty (60) days after the license is issued unless a marriage is solemnized under the license within that time."</p>
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<h2 style="text-align: center;">Conditions Precluding Issuance</h2> 	<p>IC 31-11-4-11 states:</p> <p>"A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:</p> <ol style="list-style-type: none"> (1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; (2) is under the influence of an alcoholic beverage or a narcotic drug; or (3) is a lifetime sex or violent offender, unless the individual submits an affidavit stating under the penalties of perjury that the individual has provided written notice of the person's: <ol style="list-style-type: none"> (A) intent to marry; and (B) intended married name; <p>to the local law enforcement authority in the county of conviction and in the person's county of residence."</p>
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	<p>IC 31-11-4-18Records of marriage; paper or electronic forms; index</p> <p>“(a) The clerk of the circuit court shall forward records of marriage to the Indiana department of health on at least a monthly basis. A clerk:</p> <ul style="list-style-type: none"> (1) may forward a record of marriage to the Indiana department of health in: <ul style="list-style-type: none"> (A) a paper form; or (B) an electronic form by using: <ul style="list-style-type: none"> (i) an automated system developed by the office of judicial administration; or (ii) another automated system approved by the Indiana department of health; and (2) who forwards a record of marriage to the Indiana department of health in an electronic form is not required to forward the record of marriage to the Indiana department of health in a paper form. <p>(b) The Indiana department of health shall:</p> <ul style="list-style-type: none"> (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 Indiana department of health to the Indiana state library.”
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	<h2 style="margin: 0;">Change of Venue</h2> 	
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Expenses Incurred - IC 34-35-5

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Change of Venue




IC 34-35-5-1 states:

“In all cases, civil, criminal, or otherwise, where there is a change of venue from one (1) county to another, the county in which the cause originated and from which the change of venue is taken shall pay to the county to which the change of venue is taken all expenses incurred by the county to which the change of venue is taken.”

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<h2 style="text-align: center;">Expenses</h2> 	<p>IC 34-35-5-2 states:</p> <p>"Expenses to be paid under section 1 of this chapter include the following:</p> <ol style="list-style-type: none"> (1) The expense of keeping the prisoner, if any. (2) The expense of transporting the prisoner to or from any penal institution. (3) Any extraordinary expense for safekeeping the prisoner. (4) The fee set by the venue court under IC 33-40-2-5 for pauper counsel, if counsel was appointed by that court. (5) The expense of any mileage, meals, lodging, and per diems paid for or to jurors. (6) The per diems paid jury administrators for drawing any special venire. (7) The sum of five dollars (\$5) for each day or part of a day a bailiff is engaged in assisting the court in the trial of the cause. (8) The sum of eight dollars (\$8) for each day or part of a day an official court reporter takes evidence or testimony before the judge or jury concerning the cause. (9) The sum of ten dollars (\$10) per day for each day of trial for use of facilities and utilities. (10) The sum of five dollars (\$5) for notifying the jury not to attend court after having been summoned in any cause. (11) The amount of telephone or telegraph communications made by the court or authorized by it."
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<h2 style="text-align: center;">Audit and Certification</h2> 	<p>IC 34-35-5-4 states:</p> <p>"(a) Expenses shall be audited and allowed by the court to which the cause is venued. The allowance shall be certified by the court in duplicate to the auditor of the county, who shall:</p> <ol style="list-style-type: none"> (1) retain one (1) of the certificates of allowance in the auditor's office; and (2) mail by certified mail the duplicate certificate of allowance to the auditor of the county in which the cause originated and from which such expenses are due. <p>(b) The auditor of the county in which the cause originated shall enter the duplicate certificate of allowance as a claim against the county in which the cause originated on the claim docket of the auditor's office for allowance by the board of county commissioners of the county at their next regular or special session. The certificate of allowance shall be allowed by the board of county commissioners unless it is contested and proved incorrect as provided in this chapter."</p>
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Court Reporting & Bailiff Fee & Multiple Proceedings



IC 34-35-5-5 states:

"Of any amount allowed for per diem of an official court reporter charged as expenses against the county of origin of any case, the sum of eight dollars (\$8) shall be paid to the reporter as provided in this chapter."

IC 34-35-5-6 states:

"Of the amount allowed for per diem of a bailiff charged as expenses against the county of origin of any case, the sum of five dollars (\$5) shall be paid to the bailiff as provided in this chapter."

IC 34-35-5-7 States:

"Not more than one (1) per diem or charge for the official reporting or for use of facilities and utilities shall be made against any county of origin of the causes for the same day. However, if two (2) or more proceedings are conducted in two (2) or more separate causes from any county or counties of origin on the same day, the court shall allocate the charges for any such cause as it may determine. The per diem for the official court reporter or bailiff shall be paid by the county of trial in the first instance and reimbursement for that payment may be obtained from the county of origin."

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Records & Payment



IC 34-35-5-9 states:

"(a) The county auditor of each county shall keep correctly the accounts of the auditor's county with the county:

- (1) from which the expenses of change of venue are due; or
- (2) to which the expenses are paid.

(b) The county auditor shall transmit by registered mail all warrants issued for the payment of the expenses of change of venue to the auditor of the county entitled to the payment.

(c) Except as provided in subsection (e), payments described in subsection (b) shall be made quarterly, on the last day of March, June, September, and December in each year.


(d) The auditor of the county receiving the payment shall immediately:

- (1) pay the warrants into the county treasury of the county receiving the payment;
- (2) transmit to the auditor of the county making such payment the quietus for the payment, to be filed with the paid claim; and
- (3) advise the clerk of the circuit court of the county receiving the payment.


When notified of a payment under this section, the clerk shall note the payment on the clerk's record.

(e) If the date of making the quarterly settlement falls on Sunday, the settlement shall be made on the preceding day."

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<p style="text-align: center;">County Council & Recovery of Expenses</p> 	<p>IC 34-35-5-10 states:</p> <p>“The county council of each county shall provide for the payment of any claim filed in accordance with this chapter.”</p>
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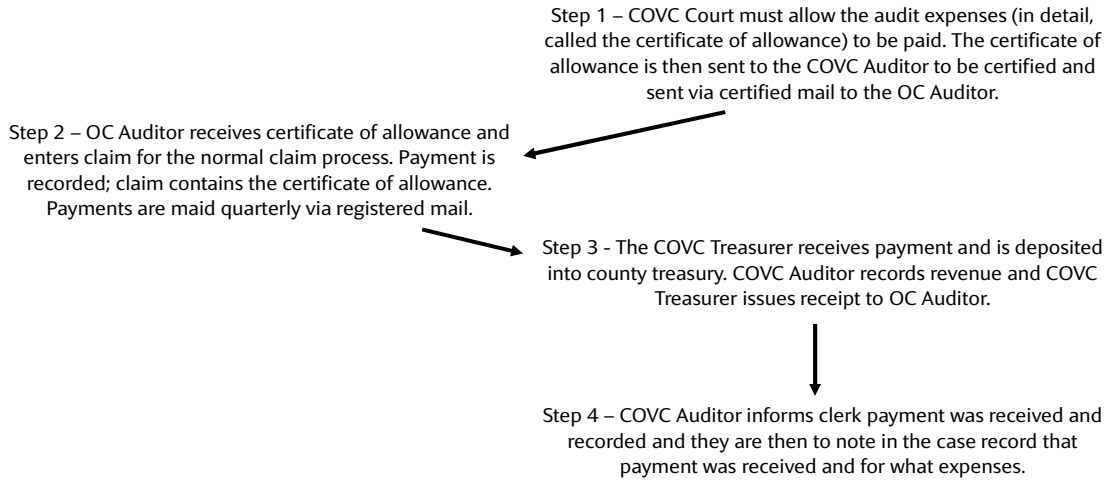
<p style="text-align: center;">Duties of the Clerk</p> 	<p>IC 34-35-6-1 states:</p> <p>“(a) In all cases where a change of venue is taken from one (1) county to another, the clerk of the circuit court or superior court of the county in which final disposition is made of the cause, shall, within sixty (60) days after the costs are paid, transmit by check to the clerk of the circuit court or superior court of the county in which the costs were accrued.</p> <p>(b) The check described in subsection (a) must be for an amount equal to all costs which have been included in the transcript.</p> <p>(c) The clerk receiving the check shall mail a receipt for the amount of the check to the clerk that sent the check. The clerk that receives the receipt shall file the receipt in the clerk's office to be a part of the permanent records of the office.</p> <p>(d) The clerk who collects the costs shall set out upon the register of fees and also upon the fee book where the costs are taxed a marginal note stating the date, amount, number of check, and the clerk to whom the fees and costs were transmitted.”</p>
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IC 34-35-5 Process

Original County (OC)


Change of Venue County (COVC)



Collection & Payment - IC 34-35-6

<h2 style="text-align: center;">Duties of the Clerk</h2> 	<p>IC 34-35-6-2 states:</p> <p>“(a) In all cases where a change of venue is taken from one (1) county to another, the clerk of the circuit court or superior court of the county in which final disposition is made of the cause, shall, within sixty (60) days after the costs are paid, transmit by check to the clerk of the circuit court or superior court of the county in which the costs were accrued.</p> <p>(b) The check described in subsection (a) must be for an amount equal to all costs which have been included in the transcript.</p> <p>(c) The clerk receiving the check shall mail a receipt for the amount of the check to the clerk that sent the check. The clerk that receives the receipt shall file the receipt in the clerk’s office to be a part of the permanent records of the office.</p> <p>(d) The clerk who collects the costs shall set out upon the register of fees and also upon the fee book where the costs are taxed a marginal note stating the date, amount, number of check, and the clerk to whom the fees and costs were transmitted.”</p>
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<h2 style="text-align: center;">Itemized Statement of Costs</h2> 	<p>IC 34-35-6-2 states:</p> <p>“The clerk of the circuit court shall furnish a statement with each remittance of change of venue costs. Statements described in this section must:</p> <ol style="list-style-type: none"> (1) show in detail the cause number in the county to which remittance is made, title of case, and the items of costs paid; and (2) be made on forms prescribed by the state board of accounts.”
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IC 34-35-6 Process

Original County (OC)

Change of Venue County (COVC)

Step 1 – OC Clerk collected the fees for the case originally, to forward the fees to the COVC Clerk. The fees forward to the COVC Clerk will include and itemized statement of all cost with a check from trust.

Step 2 – The COVC Clerk receipts in the forwarded fees and deposits the check into trust. The COVC Clerk issues a receipt which is then mailed to the OC Clerk.


Step 3 – The OC Clerk receives receipt of forwarded fees and files as part of the permanent record.

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Collection of Costs - IC 34-35-7


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<p style="text-align: center;">Itemized Transcript of Costs</p> 	<p>IC 34-35-7-1 states:</p> <p>“(a) This section applies to an action in which:</p> <ol style="list-style-type: none"> (1) a change of venue from the county is taken; (2) an order of judgment for costs is made and entered upon dismissal or otherwise disposed of; and (3) the costs remain unpaid for thirty (30) days from the date of finality of the order or judgment. <p>(b) The clerk of the circuit court of the county in which the order or judgment is made and entered, shall certify an itemized transcript of all costs accrued in the action to:</p> <ol style="list-style-type: none"> (1) the clerk of the court of the county where the action was first filed; or (2) the clerk of the court of the county of residence of the judgment debtor, if the residence of the judgment debtor is in a county other than where the action first originated.”
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<p style="text-align: center;">Judgement for Costs & Recording</p> 	<p>IC 34-35-7-2 states:</p> <p>“(a) The clerk of the court to which the transcript is sent shall immediately record the order or judgment upon the judgment docket of the circuit court of the county in the same manner as other judgments are recorded. The judgment is a lien on properties and land owned by the judgment debtor in the county in the same manner and to the same extent as if the property were situated in the county where the order or judgment was rendered.</p> <p>(b) The clerk transmitting the transcript shall:</p> <ol style="list-style-type: none"> (1) make a notation in the records of the court in which the action was entered and the order or judgment was recorded, showing: <ol style="list-style-type: none"> (A) the name of the county and court to which the transcript was transmitted; (B) the date of transmittal; and (C) any other necessary notation; (2) prepare a receipt for the receiving clerk that shows: <ol style="list-style-type: none"> (A) the name of judgment debtor; (B) title and number of cause; (C) amount of costs; (D) to whom the costs are due; and (E) record reference wherein recorded by both the receiving and sending clerk; and (3) complete, date, sign, and return the receipt to the sending clerk to be filed with other papers relating to the action.”
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<p style="text-align: center;">Collection of Costs</p> 	<p>IC 34-35-7-3 states:</p> <p>"(a) This section applies after the transcript of costs is certified to the clerk of the court of:</p> <ol style="list-style-type: none"> (1) the county where the action first originated; or (2) the county of residence of the judgment debtor. <p>(b) The clerk of the court of the county in which the order or judgment was rendered may not:</p> <ol style="list-style-type: none"> (1) collect costs; or (2) issue a fee bill, execution, or statement thereafter. <p>(c) The clerk of the court receiving and recording the transcript shall accept payment of costs from the judgment debtor or enforce collection by execution or fee bill as provided by law."</p>
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<p style="text-align: center;">Remission of Costs Collected</p> 	<p>IC 34-35-7-3 states:</p> <p>"(a) This section applies after the transcript of costs is certified to the clerk of the court of:</p> <ol style="list-style-type: none"> (1) the county where the action first originated; or (2) the county of residence of the judgment debtor. <p>(b) The clerk of the court of the county in which the order or judgment was rendered may not:</p> <ol style="list-style-type: none"> (1) collect costs; or (2) issue a fee bill, execution, or statement thereafter. <p>(c) The clerk of the court receiving and recording the transcript shall accept payment of costs from the judgment debtor or enforce collection by execution or fee bill as provided by law."</p>
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IC 34-35-7 Process

When an individual has not paid court costs, but there is a change of venue

Original County (OC)

Step 2 – OC Clerk receives itemized transcript of all costs and must record in the judgement docket, in which the judgement is the lien. OC Clerk prepares a receipt with all the information received.

the OC Clerk receiving and recording transcript shall accept payment costs and enforce collections.



Step 3 – If the OC Clerk collects costs, they should immediately remit to the COVC Clerk payment of all costs.

Change of Venue County (COVC)

Step 1 – The COVC Clerk certifies an itemized transcript of all costs to the OC Clerk. The COVC needs to make a notation in the records of the court, including the judgement and lien.

the COVC may not collect costs or issue a bill.



Step 4 – The COVC Clerk should account and record costs within the trust.

Questions?



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