

1 AN ACT to amend the Illinois Marriage and Dissolution of
2 Marriage Act by changing Sections 202 and 203.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Sections 202 and 203 as
7 follows:

8 (750 ILCS 5/202) (from Ch. 40, par. 202)

9 Sec. 202. Marriage License and Marriage Certificate.)

10 (a) The Director of Public Health shall prescribe the
11 form for an application for a marriage license, which shall
12 include the following information:

13 (1) name, sex, occupation, address, social security
14 number, date and place of birth of each party to the
15 proposed marriage;

16 (2) if either party was previously married, his
17 name, and the date, place and court in which the marriage
18 was dissolved or declared invalid or the date and place
19 of death of the former spouse;

20 (3) name and address of the parents or guardian of
21 each party; and

22 (4) whether the parties are related to each other
23 and, if so, their relationship; ~~and~~

24 (5) whether or not the parties have received the
25 minimum pre-marital education.

26 (b) The Director of Public Health shall prescribe the
27 forms for the marriage license, the marriage certificate, the
28 affidavit as to completion of the minimum pre-marital
29 education, and, when necessary, the consent to marriage.

30 (Source: P.A. 80-923.)

1 (750 ILCS 5/203) (from Ch. 40, par. 203)

2 Sec. 203. License to Marry.

3 (a) When a marriage application has been completed and
4 signed by both parties to a prospective marriage and both
5 parties have appeared before the county clerk and the
6 marriage license fee has been paid, the county clerk shall
7 issue a license to marry and a marriage certificate form upon
8 being furnished:

9 (1) satisfactory proof that each party to the
10 marriage will have attained the age of 18 years at the
11 time the marriage license is effective or will have
12 attained the age of 16 years and has either the consent
13 to the marriage of both parents or his guardian or
14 judicial approval; provided, if one parent cannot be
15 located in order to obtain such consent and diligent
16 efforts have been made to locate that parent by the
17 consenting parent, then the consent of one parent plus a
18 signed affidavit by the consenting parent which (i) names
19 the absent parent and states that he or she cannot be
20 located, and (ii) states what diligent efforts have been
21 made to locate the absent parent, shall have the effect
22 of both parents' consent for purposes of this Section;

23 (2) satisfactory proof that the marriage is not
24 prohibited; and

25 (3) an affidavit or record as prescribed in
26 subparagraph (1) of Section 205 or a court order as
27 prescribed in subparagraph (2) of Section 205, if
28 applicable.

29 (b) If the parties to a prospective marriage submit to
30 the county clerk a pre-marital education affidavit executed
31 in accordance with this subsection (b) and the parties have
32 complied with the applicable requirements of subsection (a),
33 the county clerk shall issue a license to marry without
34 delay. If the parties have complied with the applicable

1 requirements of subsection (a) but do not submit a
2 pre-marital education affidavit executed in accordance with
3 this subsection (b), the county clerk shall issue a license
4 to marry 60 days after the date an application for a marriage
5 license is submitted; however, if the parties submit a
6 pre-marital education affidavit issued in accordance with
7 this subsection (b) during that 60-day period, the county
8 clerk shall then issue a license to marry without further
9 delay.

10 The parties to a prospective marriage shall execute a
11 pre-marital education affidavit after they complete a
12 pre-marital education program consisting of a minimum of 4
13 hours focusing on communication, conflict resolution, and
14 other relationship skills and conducted by a behavioral
15 health professional or an official representative of a
16 religious institution. The pre-marital education affidavit
17 shall state that the parties to a prospective marriage have
18 completed the pre-marital education program requirements of
19 this subsection (b). If either of the parties to a
20 prospective marriage is under 18 years of age and
21 unemancipated, one parent or legal guardian of each party
22 shall also execute the pre-marital education affidavit.
23 Pre-marital education programs for minors shall include
24 counseling on minors and marriage and on extended family
25 roles. Each pre-marital education program provider shall
26 establish a sliding fee schedule that accommodates families
27 of various financial means and shall provide services on a
28 pro bono basis where appropriate. As used in this subsection
29 (b), "behavioral health professional" means a person licensed
30 as a clinical psychologist under the Clinical Psychologist
31 Licensing Act, licensed as a social worker or clinical social
32 worker under the Clinical Social Work and Social Work
33 Practice Act, licensed as a marriage and family therapist
34 under the Marriage and Family Therapist Licensing Act,

1 licensed as a physician under the Medical Practice Act of
2 1987 and practicing psychiatry, or licensed as a professional
3 counselor or clinical professional counselor under the
4 Professional Counselor and Clinical Professional Counselor
5 Licensing Act.

6 If the parties have not completed a pre-marital education
7 program but one of the parties is suffering from a
8 catastrophic illness or there is a late-stage pregnancy, the
9 parties may so indicate in their affidavit and submit the
10 affidavit to the county clerk. If the parties submit such an
11 affidavit and the parties have complied with the applicable
12 requirements of subsection (a), the county clerk shall issue
13 a license to marry without delay.

14 (c) With each marriage license, the county clerk shall
15 provide a pamphlet describing the causes and effects of fetal
16 alcohol syndrome.

17 (Source: P.A. 86-832; 86-884; 86-1028.)