

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 (or that the parties are  
26 exempt from the pre-marital education requirement).

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

31 (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) The General Assembly finds that Illinois has long  
30 made a commitment to strengthening and preserving the  
31 integrity of marriage, safeguarding family relationships, and  
32 fostering a lifelong commitment of married couples who are  
33 married as authorized under the Illinois Marriage and  
34 Dissolution of Marriage Act, that the fundamental unit of the

1 family is the marital relationship between a man and a woman  
2 licensed, solemnized, and registered and not otherwise  
3 prohibited in this Act, and that strengthening that  
4 relationship can in turn benefit the families of Illinois,  
5 their children, and their communities. This amendatory Act of  
6 the 92nd General Assembly, therefore, is an effort to  
7 encourage the learning and application of relationship skills  
8 by engaged couples so that their marriage can be stronger.

9 If the parties to a prospective marriage submit to the  
10 county clerk a pre-marital education affidavit executed in  
11 accordance with this subsection (b) and the parties have  
12 complied with the applicable requirements of subsection (a),  
13 the county clerk shall issue a license to marry without  
14 delay. If the parties have complied with the applicable  
15 requirements of subsection (a) but do not submit a  
16 pre-marital education affidavit executed in accordance with  
17 this subsection (b), the county clerk shall issue a license  
18 to marry 60 days after the date an application for a marriage  
19 license is submitted; however, if the parties submit a  
20 pre-marital education affidavit issued in accordance with  
21 this subsection (b) during that 60-day period, the county  
22 clerk shall then issue a license to marry without further  
23 delay.

24 The parties to a prospective marriage shall execute a  
25 pre-marital education affidavit after they complete a  
26 pre-marital education program consisting of a minimum of 4  
27 hours focusing generally on relationship skills; there shall  
28 be no State-prescribed curriculum. The pre-marital education  
29 program shall be conducted by a behavioral health  
30 professional or a designated representative of a religious  
31 institution. The pre-marital education affidavit shall state  
32 that the parties to a prospective marriage have completed the  
33 pre-marital education program requirements of this subsection  
34 (b). If both of the parties to a prospective marriage are

1 under 18 years of age and unemancipated, one parent or legal  
 2 guardian of each party shall also execute the pre-marital  
 3 education affidavit. If one of the parties to a prospective  
 4 marriage is under 18 years of age and unemancipated, one  
 5 parent or legal guardian of the party who is under 18 years  
 6 of age shall also execute the pre-marital education  
 7 affidavit. Pre-marital education programs for minors shall  
 8 include counseling on minors and marriage and on extended  
 9 family roles. Each pre-marital education program provider  
 10 shall establish a sliding fee schedule that accommodates  
 11 families of various financial means and shall provide  
 12 services on a pro bono basis where appropriate. As used in  
 13 this subsection (b), "behavioral health professional" means a  
 14 person licensed as a clinical psychologist under the Clinical  
 15 Psychologist Licensing Act, licensed as a social worker or  
 16 clinical social worker under the Clinical Social Work and  
 17 Social Work Practice Act, licensed as a marriage and family  
 18 therapist under the Marriage and Family Therapist Licensing  
 19 Act, licensed as a physician under the Medical Practice Act  
 20 of 1987 and practicing psychiatry, or licensed as a  
 21 professional counselor or clinical professional counselor  
 22 under the Professional Counselor and Clinical Professional  
 23 Counselor Licensing Act.

24 If the parties have not completed a pre-marital education  
 25 program but one of the parties is suffering from a  
 26 catastrophic illness or there is a late-stage pregnancy, the  
 27 parties may so indicate in their affidavit and submit the  
 28 affidavit to the county clerk. If the parties submit such an  
 29 affidavit and the parties have complied with the applicable  
 30 requirements of subsection (a), the county clerk shall issue  
 31 a license to marry without delay.

32 If both of the parties are at least 55 years of age:  
 33 (i) the requirements of this subsection (b) do not  
 34 apply to them; and

1           (ii) the county clerk shall issue a license to  
2           marry without delay if they have complied with the  
3           applicable requirements of subsection (a).

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

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