

1 AN ACT concerning marriage.

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

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

7 (750 ILCS 5/202) (from Ch. 40, par. 202)

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

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

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

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

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

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

23 (5) whether or not the parties have received the
24 minimum pre-marital education (or that the parties are
25 exempt from the pre-marital education requirement).

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) 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 93rd 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.)