

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1006

AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-9-2-7, AS AMENDED BY P.L.191-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) "Adult", for purposes of IC 31-19-17 through IC 31-19-25.5, means a person who is at least twenty-one (21) years of age.

(b) "Adult", for purposes of the juvenile law, means a person other than a child.

(c) "Adult", for purposes of IC 31-11, means:

(1) a person at least eighteen (18) years of age; or

(2) a:

(A) married minor who is at least sixteen (16) years of age;

or

(B) minor who has been completely emancipated by a court;

subject to specific constitutional and statutory age requirements and health and safety regulations that remain applicable to the person because of the person's age.

SECTION 2. IC 31-9-2-133.1, AS AMENDED BY P.L.144-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 133.1. "Victim of human or sexual trafficking",

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for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:

- (1) forced labor;
- (2) involuntary servitude;
- (3) prostitution;
- (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
- (5) child exploitation, as defined in IC 35-42-4-4(b);
- (6) marriage, unless authorized by a court under ~~IC 31-11-1-6;~~
IC 31-11-1-7;
- (7) trafficking for the purpose of prostitution, juvenile prostitution, or participation in sexual conduct as defined in IC 35-42-4-4(a)(4); or
- (8) human trafficking as defined in IC 35-42-3.5-0.5.

SECTION 3. IC 31-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Except as provided in ~~section~~ **sections 5 or 6 and 7** of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

SECTION 4. IC 31-11-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. Two (2) individuals may marry each other if:

- (1) both individuals are at least ~~seventeen (17)~~ **sixteen (16)** years of age;
- (2) one (1) of the individuals is not more than four (4) years older than the other individual if the other individual is sixteen (16) or seventeen (17) years of age;**
- ~~(2)~~ **(3) each individual who is less than eighteen (18) years of age: receives the consent required by IC 31-11-2;**
 - (A) has been granted an order by a juvenile court under section 7 of this chapter granting the individual approval to marry and completely emancipating the individual; and**
 - (B) not earlier than fifteen (15) days after the issuance of the order described in clause (A), presents to the clerk of the circuit court an application for a marriage license accompanied by:**
 - (i) a certified copy of the order; and**
 - (ii) a certificate of completion of any premarital counseling required under the order; and**
- ~~(3)~~ **(4) the individuals are not prohibited from marrying each other for a reason set forth in this article.**

SECTION 5. IC 31-11-1-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~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.

SECTION 6. IC 31-11-1-7 IS ADDED TO THE INDIANA CODE



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) A minor who is sixteen (16) or seventeen (17) years of age may petition the juvenile court in the county in which the minor resides for an order granting the minor approval to marry and completely emancipating the minor. The petition must contain the following information:**

- (1) The minor's name, gender, and age.**
- (2) Documentary proof of the minor's date of birth.**
- (3) The minor's address, and how long the minor has resided at that address.**
- (4) The following information with regard to the intended spouse:**
 - (A) The intended spouse's name, gender, and age.**
 - (B) Documentary proof of the intended spouse's date of birth.**
 - (C) The intended spouse's address, and how long the intended spouse has resided at that address.**
- (5) A statement of:**
 - (A) the reasons the minor desires to marry;**
 - (B) how the minor and the intended spouse came to know each other; and**
 - (C) how long the minor and the intended spouse have known each other.**
- (6) Copies of:**
 - (A) any criminal records of the minor and of the intended spouse; and**
 - (B) any protective order:**
 - (i) issued to protect or restrain either the minor or the intended spouse; and**
 - (ii) relating to domestic or family violence, a sexual offense, or stalking.**
- (7) Evidence that the minor has demonstrated maturity and capacity for self-sufficiency and self-support independent of the minor's parents or legal guardians or the intended spouse, including proof that the minor:**
 - (A) has graduated from high school;**
 - (B) has obtained a high school equivalency diploma;**
 - (C) has a plan for continued education;**
 - (D) has completed a vocational training or certificate program;**
 - (E) has attained a professional licensure or certification; or**
 - (F) has maintained stable housing or employment for at**



least three (3) consecutive months prior to filing the petition.

(b) A court with which a petition under subsection (a) is filed shall:

- (1) set a date for an evidentiary hearing on the petition;
- (2) provide reasonable notice of the hearing to the minor and the minor's parents or legal guardians; and
- (3) appoint an attorney to serve as guardian ad litem for the minor.

(c) At the evidentiary hearing, the court shall conduct an in camera interview with the minor separate from the minor's parents or legal guardians and intended spouse.

(d) Following the evidentiary hearing, and subject to subsection (e), the court may grant the petition if the court finds all of the following:

- (1) The minor is a county resident who is at least sixteen (16) years of age.
- (2) The intended spouse is not more than four (4) years older than the minor.
- (3) The minor's decision to marry is voluntary, and free from force, fraud, or coercion.
- (4) The minor is mature enough to make a decision to marry.
- (5) The minor has established the minor's capacity to be self-sufficient and self-supporting independent of the minor's parents, legal guardians, and intended spouse.
- (6) The minor understands the rights and responsibilities of parties to marriage and of completely emancipated minors.
- (7) It is in the best interests of the minor for the court to grant the petition to marry and to completely emancipate the minor. In making the determination under this subdivision, the court shall consider how marriage and emancipation may affect the minor's health, safety, education, and welfare.

A court that grants a petition under this section shall issue written findings regarding the court's conclusions under subdivisions (1) through (7).

(e) The following, considered independently or together, are not sufficient to determine the best interests of a minor for purposes of this section:

- (1) The fact that the minor or the intended spouse is pregnant or has had a child.
 - (2) The wishes of the parents or legal guardians of the minor.
- However, there is a rebuttable presumption that marriage and



emancipation are not in the best interests of the minor if both parents of the minor oppose the minor's marriage and emancipation.

(f) The juvenile court shall deny a petition under this section if the court finds any of the following:

(1) The intended spouse:

(A) is or was in a position of authority or special trust in relation to the minor; or

(B) has or had a professional relationship with the minor, as defined in IC 35-42-4-7.

(2) The intended spouse has been convicted of, or entered into a diversion program for, an offense under IC 35-42:

(A) that involves an act of violence;

(B) of which a child was the victim; or

(C) that is an offense under:

(i) IC 35-42-3.5; or

(ii) IC 35-42-4.

(3) Either the minor or the intended spouse is pregnant or is the mother of a child, and the court finds by a preponderance of evidence that:

(A) the other party to the marriage is the father of the child or unborn child; and

(B) the conception of the child or unborn child resulted from the commission of an offense under:

(i) IC 35-42-4-3 (child molesting);

(ii) IC 35-42-4-6 (child solicitation);

(iii) IC 35-42-4-7 (child seduction); or

(iv) IC 35-42-4-9 (sexual misconduct with a minor).

(4) The intended spouse has previously been enjoined by a protective order relating to domestic or family violence, a sexual offense, or stalking, regardless of whether the person protected by the order was the minor.

(g) If a court grants a petition under this section, the court shall also issue an order of complete emancipation of the minor and provide a certified copy of the order to the minor.

(h) A minor emancipated under this section is considered to have all the rights and responsibilities of an adult, except as provided under specific constitutional or statutory age requirements that apply to the minor because of the minor's age, including requirements related to voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

(i) A court hearing a petition under this section may issue any



other order the court considers appropriate for the minor's protection.

(j) A court that grants a petition under this section may require that both parties to the marriage complete premarital counseling with a marriage and family therapist licensed under IC 25-22.5, IC 25-23.6-8, or IC 25-33.

(k) A court that grants a petition under this section may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances.

SECTION 7. IC 31-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Consent to Marry Required for Certain Individuals).

SECTION 8. IC 31-11-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. 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:**

(1) a:

(A) certified copy of the individual's birth certificate;

(B) copy of a birth record; or

(C) certification of birth issued by the state 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;

(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

(3) a passport;

(4) a valid operator'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;

(5) an immigration or naturalization record showing the individual's date of birth;

(6) a United States selective service card or armed forces record showing the individual's date of birth; or

(7) a:

(A) court record; or

(B) document or record issued by a governmental entity; showing the individual's date of birth.

SECTION 9. IC 31-11-4-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. 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.

SECTION 10. IC 31-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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 31-11-1-4**, 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.

SECTION 11. IC 31-11-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 2: A person who knowingly furnishes false information in a verified written consent under ~~IC 31-11-2~~ commits a Level 6 felony:

SECTION 12. IC 31-34-20-6, AS AMENDED BY P.L.85-2017, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The juvenile court **for the county in which a child resides** may emancipate a the child under section 1(a)(5) of this chapter **upon a petition brought by the child.**

(b) The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.

(c) After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition if the court finds:

- (1) that emancipation is in the child's best interests; and**
 - (2) that the child:**
 - (A) wishes to be free from parental control and protection and no longer needs that control and protection;**
 - (B) has sufficient money for the child's own support;**
 - (C) understands the consequences of being free from parental control and protection; and**
 - (D) has an acceptable plan for independent living.**
- (d) If the juvenile court completely emancipates the child, the**



child has all the rights and responsibilities of an adult. If the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:

- (1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.
 - (2) Suspension of the following:
 - (A) The parent's or guardian's right to the control or custody of the child.
 - (B) The parent's right to the child's earnings.
 - ~~(3) Empowering the child to consent to marriage.~~
 - ~~(4) (3) Empowering the child to consent to military enlistment.~~
 - ~~(5) (4) Empowering the child to consent to:~~
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social;
 services.
 - ~~(6) (5) Empowering the child to contract.~~
 - ~~(7) (6) Empowering the child to own property.~~
 - ~~(e) (e) An emancipated child remains subject to the following:~~
 - (1) IC 20-33-2 concerning compulsory school attendance.
 - (2) The continuing jurisdiction of the court.
 - (3) IC 31-11-1-4 concerning minimum age for marriage.**
 - (4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.**
- SECTION 13. IC 31-37-19-27, AS AMENDED BY P.L.85-2017, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The juvenile court **for the county in which a child resides** may emancipate ~~a~~ **the** child under section 1(a)(5) or 5(b)(5) of this chapter **upon a petition brought by the child.**
- (b) The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.**



(c) After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition if the court finds that the child:

- (1) wishes to be free from parental control and protection and no longer needs that control and protection;
- (2) has sufficient money for the child's own support;
- (3) understands the consequences of being free from parental control and protection; and
- (4) has an acceptable plan for independent living.

~~(b)~~ (d) **Whenever If the juvenile court completely emancipates the child, the child has all the rights and responsibilities of an adult. If the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:**

- (1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.
- (2) Suspension of:
 - (A) the parent's or guardian's right to the control or custody of the child; and
 - (B) the parent's right to the child's earnings.
- ~~(3)~~ **Empowering the child to consent to marriage.**
- ~~(4)~~ **(3) Empowering the child to consent to military enlistment.**
- ~~(5)~~ **(4) Empowering the child to consent to:**
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social;
 services.

~~(6)~~ **(5) Empowering the child to contract.**

~~(7)~~ **(6) Empowering the child to own property.**

~~(e)~~ (e) An emancipated child remains subject to **the following:**

- (1) IC 20-33-2 concerning compulsory school attendance. ~~and~~
- (2) The continuing jurisdiction of the court.
- (3) IC 31-11-1-4 concerning minimum age for marriage.**
- (4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.**

SECTION 14. IC 35-52-31-2 IS REPEALED [EFFECTIVE JULY



1, 2020]. Sec. 2: IC 31-11-11-2 defines a crime concerning marriage.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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