

Courtesy of Kathleen Perrin at [Equality Case Files](#), posted 14 October 2014:

Office of Indiana AG's Letter to Circuit County Clerks, 13 October 2014

This letter is offering guidance to county clerks on the likely validity of licenses issued to same sex couples earlier this year. Primarily it's explaining that the stays issued potentially impacted the statutory deadlines for use and recording of licenses and then outlines policy about refunds and/or charges for new licenses "if couples choose to exercise caution and re-apply for a marriage license."

Under usual circumstances, once a couple receives a license they have 60 days to solemnize the marriage and then 30 days from solemnization to return the completed license to the clerk's office. The clerk's office then records the marriage. If you don't use and return the licenses within those deadlines (again, under usual circumstances), the license may no longer be valid and you may need to obtain another.

But for same-sex couples who received a license before the 7th Circuit's stay went into effect, it's possible that the couples may have paid for licenses and then been unable to use them and/or return them within the usual statutory time limits or clerks may not have recorded a license that was returned.

This letter reflects the Attorney General Office's OPINION as to the likely validity of licenses that didn't go through the entire multi-step process within the usual time deadlines. There is a chart.

It further notes, as to paying for another license or receiving a refund for a previously obtained license:

"Couples falling into the 2nd, 3rd, or 4th categories listed [on the chart] may wish to obtain new marriage licenses and complete the necessary steps in the process to minimize any potential uncertainty regarding license validity. However, if couples choose to exercise caution and re-apply for a marriage license, they will be required to pay a new license processing fee unless clerks in their discretion determine it is appropriate to refund the fee paid earlier this year."

Understand that this is guidance to the clerks only. If you are a couple who purchased a license during the "window" before the 7th Circuit imposed the stay, especially if you didn't use and/or return the license during the usual time deadlines, or if you question whether your license was properly recorded, please seek legal advice.

[Letter to Indiana County Clerks - Guidance and Chart](#)