



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 546 (as introduced 6-30-11)
Sponsor: Senator Tupac A. Hunter
Committee: Judiciary

Date Completed: 10-25-11

CONTENT

The bill would amend Public Act 128 of 1887, which prescribes marriage license requirements, to do the following:

- Require premarital education or a delay of 28 days between application for and issuance of a marriage license.**
- Establish criteria for a premarital education program and a program provider.**
- Prohibit a county clerk from issuing a marriage license to a person who did not sign and file an application that included a statement indicating whether the parties had received premarital counseling.**
- Require a marriage to be solemnized within 30 days after a license was issued if the applicants had received premarital education, or within 58 days if not, rather than within 33 days as currently required.**

Premarital Education Requirement

Under the bill, a man and a woman who intended to apply for a marriage license together would have to complete a program in premarital education. They would have to verify completion of the program by a statement to that effect in the affidavit furnished with an application and by filing with the affidavit a certificate of completion from the program administrator.

These requirements would not apply if both applicants for the marriage license were at least 50 years old.

If an individual who intended to apply for a marriage license were under 18 years old, both parties applying for the license and at least one parent or guardian of each party who was a minor would have to complete and verify completion of a premarital education program. The parent's or guardian's attendance requirement would not apply if the minor were emancipated under law.

Program Requirements

A premarital education program would have to emphasize skill-building strategies and include, at least, conflict management, communication skills, and financial matters. If the couple had or intended to have children, the program also would have to include child and parenting responsibilities.

The program would have to be at least four hours long and be conducted by one or more of the following:

- A licensed professional counselor, licensed marriage and family therapist, or licensed or limited licensed psychologist.
- A social worker, licensed master's social worker, licensed bachelor's social worker, or social service technician.
- A psychiatrist.
- An official representative of a religious institution.
- A certified family life educator.

An individual providing a premarital education program could offer a fee schedule for the program that accommodated families of various financial means, including allowing participation by indigent individuals for no fee. Payment for a program would have to be made directly to the program provider.

Extended Waiting Period

If either party to a marriage license application chose not to comply with the bill's premarital education program requirement, a longer waiting period would apply, as described below. This requirement would not apply if both applicants for the marriage license were at least 50 years old.

Under the Act, a marriage license generally may not be delivered within a three-day period, including the date of application, and is void unless a marriage is solemnized under the license within 33 days after application. Under the bill, a marriage license generally could not be delivered within a period of 28 days after the application, including the date of application, and would be void unless a marriage were solemnized under the license within 58 days after the application.

If the parties complied with the bill's premarital education requirements, however, the clerk could deliver a marriage license immediately following the application. The license would be void unless a marriage were solemnized under the license within 30 days after the application.

Prohibited Issuance of a Marriage License

The bill specifies that a county clerk could not issue a marriage license to an individual who failed to sign and file with the clerk an application for a marriage license that included a statement with a check-off box indicating that both parties to the intended marriage had or had not received premarital education.

MCL 551.103 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.