

MARRIAGE LICENSE (EXCERPT)
Act 128 of 1887

551.103 Persons capable of contracting marriage; age requirement; proof of age; filling out license; written consent; compliance; filing consent; signing, certification, and copy of license; fee; allocation for family counseling services; return and disposition of unexpended funds; waiver of fee; additional fee for nonresidents; delivery of license and certificate to officiating individual; recording information; forwarding licenses and certificates to state registrar; imposition of fee by certain charter counties.

Sec. 3. (1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

(2) A fee of \$20.00 shall be paid by the person applying for the license and shall be paid by the county clerk into the general fund of the county. The county board of commissioners shall allocate \$15.00 of each fee collected to the circuit court for family counseling services, which shall include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. Money allocated to the circuit court pursuant to this section that is not expended shall be returned to the general fund of the county to be held in escrow until circuit court family counseling services are established pursuant to the circuit court family counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both parties named in the application are nonresidents of the state, the person applying for the license shall pay an additional fee of \$10.00, which the county clerk shall deposit into the general fund of the county. The county clerk shall give the license filled out and signed, together with the blank form of certificate, to the person applying, for delivery to the individual who is to officiate at the marriage. On the return of the license to the county clerk, containing the signatures of the witnesses to the marriage, who shall be 18 years of age or older, the individuals being married, and the individual officiating at the marriage, with the certificate of the individual officiating at the marriage that the marriage has been performed, the county clerk shall record in the book of registration in the proper place of entry the information prescribed by the director of the department of community health. The licenses and certificates issued and returned shall be forwarded to the state registrar appointed by the director of the department of community health on the forms and in the manner prescribed by the director.

(3) A charter county that has a population of over 2,000,000 may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fee prescribed by subsection (2). The charter county shall allocate the fee for family counseling services as prescribed by subsection (2). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222c;—Am. 1895, Act 243, Eff. Aug. 30, 1895;—CL 1897, 8604;—CL 1915, 11378;—Am. 1917, Act 195, Eff. Aug. 10, 1917;—CL 1948, 551.103;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1953, Act 31, Eff. Oct. 2, 1953;—Am. 1963, Act 112, Eff. Sept. 6, 1963;—Am. 1967, Act 23, Imd. Eff. June 2, 1967;—Am. 1968, Act 304, Eff. Nov. 15, 1968;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1980, Act 4, Eff. Feb. 14, 1980;—Am. 1981, Act 65, Imd. Eff. June 16, 1981;—Am. 1984, Act 346, Imd. Eff. Dec. 27, 1984;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.