



# HOUSE BILL No. 5635

February 27, 1996, Introduced by Reps. Jersevic, DeMars, Gernaat, McBryde, Bodem, Bush, Sikkema, McManus, Cropsey, Law, Dalman, Nye and Green and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 3 and 3a of Act No. 128 of the Public Acts of 1887, entitled as amended

"An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,"

section 3 as amended by Act No. 346 of the Public Acts of 1984 and section 3a as amended by Act No. 270 of the Public Acts of 1989, being sections 551.103 and 551.103a of the Michigan Compiled Laws; and to add section 2a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3 and 3a of Act No. 128 of the Public  
2 Acts of 1887, section 3 as amended by Act No. 346 of the Public  
3 Acts of 1984 and section 3a as amended by Act No. 270 of the  
4 Public Acts of 1989, being sections 551.103 and 551.103a of the

1 Michigan Compiled Laws, are amended and section 2a is added to  
2 read as follows:

3        SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (5), A MAN  
4 AND A WOMAN WHO INTEND TO APPLY FOR A MARRIAGE LICENSE SHALL COM-  
5 PLETE A PROGRAM IN PREMARITAL COUNSELING CONDUCTED BY A LICENSED  
6 PROFESSIONAL OR AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS  
7 INSTITUTION. THE INDIVIDUALS APPLYING FOR THE MARRIAGE LICENSE  
8 SHALL VERIFY COMPLETION OF THE PROGRAM BY A STATEMENT TO THAT  
9 EFFECT IN THE APPLICATION AFFIDAVIT AND BY FILING WITH THE APPLI-  
10 CATION A CERTIFICATE OF COMPLETION FROM THE PROGRAM  
11 ADMINISTRATOR.

12        (2) EXCEPT AS PROVIDED IN SUBSECTION (5), IF AN INDIVIDUAL  
13 WHO IS INTENDING TO APPLY FOR A MARRIAGE LICENSE IS LESS THAN 18  
14 YEARS OF AGE, BOTH PARTIES APPLYING FOR THE LICENSE AND AT LEAST  
15 1 PARENT OR GUARDIAN OF EACH OF THEM SHALL COMPLETE AND VERIFY A  
16 PROGRAM OF PREMARITAL COUNSELING AS PRESCRIBED BY SUBSECTION  
17 (1). A PROGRAM OFFERED UNDER THIS SUBSECTION SHALL INCLUDE COUN-  
18 SELING ON MINORS AND MARRIAGE AND ON EXTENDED FAMILY ROLES AND  
19 THE MARRIAGE. THE PARENT'S OR GUARDIAN'S ATTENDANCE REQUIREMENT  
20 PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY IF THE MINOR WHO  
21 INTENDS TO APPLY FOR A MARRIAGE LICENSE IS EMANCIPATED AS PRO-  
22 VIDED IN ACT NO. 293 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS  
23 722.1 TO 722.6 OF THE MICHIGAN COMPILED LAWS.

24        (3) THE SECRETARY OF STATE SHALL MAKE AVAILABLE THROUGH SEC-  
25 RETARY OF STATE OFFICES AND SHALL FURNISH TO COUNTY CLERKS LISTS  
26 OF PROVIDERS OF THE PROGRAMS REQUIRED BY THIS SECTION.

1 (4) A PROGRAM PROVIDER SHALL PROVIDE FOR A FEE SCHEDULE THAT  
2 ACCOMMODATES FAMILIES OF VARIOUS FINANCIAL MEANS, INCLUDING  
3 ALLOWING PARTICIPATION BY INDIGENT INDIVIDUALS FOR NO FEE.  
4 PAYMENT FOR AN EDUCATIONAL PROGRAM SHALL BE MADE DIRECTLY TO THE  
5 PROGRAM PROVIDER.

6 (5) AN INDIVIDUAL APPLYING FOR A MARRIAGE LICENSE MAY CHOOSE  
7 NOT TO COMPLY WITH THIS SECTION. IF A PARTY TO A MARRIAGE  
8 LICENSE APPLICATION DOES NOT COMPLY WITH THIS SECTION, THE APPLI-  
9 CATION FEE IS \$100.00.

10 (6) AS USED IN THIS SECTION, "LICENSED PROFESSIONAL" MEANS A  
11 PROFESSIONAL COUNSELOR, MARRIAGE AND FAMILY THERAPIST, OR PSY-  
12 CHOLOGIST LICENSED AS PROVIDED IN ARTICLE 15 OF THE PUBLIC HEALTH  
13 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS  
14 333.16101 TO 333.18838 OF THE MICHIGAN COMPILED LAWS.

15 Sec. 3. (1) ~~Every person who becomes~~ AN INDIVIDUAL WHO IS  
16 18 years of age ~~shall be~~ OR OLDER IS capable by law of con-  
17 tracting marriage. ~~Every person who becomes~~ AN INDIVIDUAL WHO  
18 IS 16 years of age but is less than 18 years of age ~~shall be~~ IS  
19 capable of contracting marriage with the written consent of 1 of  
20 the parents of the ~~person~~ INDIVIDUAL or the ~~person's~~  
21 INDIVIDUAL'S legal guardian, as provided in this section. As  
22 proof of age, the party to the intended marriage, in addition to  
23 the statement of age in the application, when requested by the  
24 county clerk, shall submit a birth certificate or other proof of  
25 age.

26 (2) The county clerk on the application made shall fill out  
27 the blank spaces of the license according to the sworn answers of

1 the applicant, taken before the county clerk, or some person duly  
2 authorized by law to administer oaths. When it appears from the  
3 affidavit that either the applicant is applying for a license for  
4 the marriage to ~~a person~~ AN INDIVIDUAL who has not become 18  
5 years of age or that the applicant has not become 18 years of  
6 age, or both ~~persons~~ INDIVIDUALS applying for a license are  
7 less than 18 years of age, the county clerk shall require that  
8 there first be produced the written consent of 1 of the parents  
9 of each of the ~~persons~~ INDIVIDUALS who is less than 18 years of  
10 age or of the ~~person's~~ INDIVIDUAL'S legal guardian to the mar-  
11 riage and to the issuing of the license for which application is  
12 made. The consent shall be given personally in the presence of  
13 the county clerk or be acknowledged before a notary public or  
14 other officer authorized to administer oaths unless the ~~person~~  
15 INDIVIDUAL does not have a living parent or guardian.

16 (3) A license shall not be issued by the county clerk until  
17 the requirements of SECTION 2A AND this section are complied  
18 with. The written consent shall be preserved on file in the  
19 office of the county clerk. If the parties are legally entitled  
20 to be married, the county clerk shall sign the license and cer-  
21 tify the fact that it is properly issued, and the clerk shall  
22 make a correct copy of the license in the books of registration.

23 (4) ~~-(2)-~~ A fee of \$20.00 OR THE FEE REQUIRED BY SECTION 2A  
24 shall be paid by the party applying for the license, which shall  
25 be paid by the county clerk into the general fund of the county.  
26 The county board of commissioners shall allocate \$15.00 of each  
27 fee collected to the circuit court for family counseling

1 services, which shall include counseling for domestic violence  
2 and child abuse. If family counseling services are not estab-  
3 lished in the county, the circuit court may use the money allo-  
4 cated to contract with public or private agencies providing simi-  
5 lar services. ~~Funds~~ MONEY allocated to the circuit court  
6 ~~pursuant to~~ BY this section ~~which~~ THAT are not expended shall  
7 be returned to the general fund of the county to be held in  
8 escrow until circuit court family counseling services are estab-  
9 lished ~~pursuant to~~ UNDER THE CIRCUIT COURT FAMILY COUNSELING  
10 SERVICES ACT, Act No. 155 of the Public Acts of 1964, ~~as~~  
11 ~~amended,~~ being sections 551.331 to 551.344 of the Michigan  
12 Compiled Laws. A probate court may order the county clerk to  
13 waive the marriage license fee in cases in which the fee would  
14 result in undue hardship. If both parties named in the applica-  
15 tion are nonresidents of the state, an additional fee of \$10.00  
16 shall be paid by the party applying for the license, which shall  
17 be deposited by the county clerk into the general fund of the  
18 county.

19 (5) The county clerk shall give the license filled out and  
20 signed, together with the blank form of certificate, to the party  
21 applying, for delivery to the clergyman or magistrate who is to  
22 officiate at the marriage. On the return of the license to the  
23 county clerk, with the certificate of the clergyman or magistrate  
24 that the marriage has been performed, the county clerk shall  
25 record in the book of registration in the proper place of entry  
26 the information prescribed by the director of public health. The  
27 licenses and certificates issued and returned shall be forwarded

1 to the state registrar appointed by the director of public health  
2 on the forms and in the manner prescribed by the director.

3       (6) ~~-(3)-~~ A charter county ~~which~~ THAT has a population of  
4 over 2,000,000 may impose by ordinance a marriage license fee or  
5 nonresident marriage license fee, or both, different in amount  
6 than the fee prescribed by subsection ~~-(2)-~~ (4). The charter  
7 county shall allocate the fee for family counseling services as  
8 prescribed by subsection ~~-(2)-~~ (4). A charter county shall not  
9 impose a fee ~~which~~ THAT is greater than the cost of the service  
10 for which the fee is charged.

11       Sec. 3a. (1) A license to marry shall not be delivered  
12 within a period of 3 days including the date of application.  
13 However, the county clerk of each county, for good and sufficient  
14 cause shown, may deliver the license immediately following the  
15 application. A marriage license issued UNDER THIS SUBSECTION is  
16 void unless a marriage is solemnized under the license within 33  
17 days after the application. THIS SUBSECTION DOES NOT APPLY IF  
18 SUBSECTION (2) APPLIES.

19       (2) IF A PARTY TO A MARRIAGE LICENSE APPLICATION DOES NOT  
20 COMPLY WITH SECTION 2A, THE CLERK SHALL NOT DELIVER THE MARRIAGE  
21 LICENSE WITHIN 30 DAYS AFTER THE DATE OF THE APPLICATION. A MAR-  
22 RIAGE LICENSE ISSUED UNDER THIS SUBSECTION IS VOID UNLESS A MAR-  
23 RIAGE IS SOLEMNIZED UNDER THE LICENSE WITHIN 63 DAYS AFTER THE  
24 APPLICATION.

25       Section 2. This amendatory act shall not take effect unless  
26 the following bills of the 88th Legislature are enacted into  
27 law:

1 (a) House Bill No. 4432.

2 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5637 (request  
3 no. 05706'95).

4 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5634  
5 (request no. 5707'95).