

SENATE BILL No. 546

June 30, 2011, Introduced by Senators HUNTER, MOOLENAAR, GLEASON, GREEN, EMMONS, HILDENBRAND, CASWELL, MEEKHOF, JANSEN, JONES and KOWALL and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,"

by amending the title and sections 3 and 3a (MCL 551.103 and 551.103a), the title as amended by 1998 PA 333 and sections 3 and 3a as amended by 2006 PA 578, and by adding sections 2a and 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act ~~establishing~~ **TO ESTABLISH** the minimum ages for contracting marriages; **TO PROVIDE FOR PREMARITAL EDUCATION;** to require a civil license in order to marry and ~~its~~ **THE** registration **OF MARRIAGE LICENSES;** to provide for the implementation of federal law; and to provide a penalty for the violation of this act.

1 SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A MAN AND A
2 WOMAN WHO INTEND TO APPLY FOR A MARRIAGE LICENSE SHALL COMPLETE
3 TOGETHER A PROGRAM IN PREMARITAL EDUCATION AS PRESCRIBED IN SECTION
4 2B. THE INDIVIDUALS APPLYING FOR THE MARRIAGE LICENSE SHALL VERIFY
5 COMPLETION OF THE PREMARITAL EDUCATION PROGRAM BY A STATEMENT TO
6 THAT EFFECT IN THE AFFIDAVIT FURNISHED UNDER SECTION 2 AND BY
7 FILING WITH THE AFFIDAVIT A CERTIFICATE OF COMPLETION FROM THE
8 PROGRAM ADMINISTRATOR.

9 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), IF AN INDIVIDUAL WHO
10 IS INTENDING TO APPLY FOR A MARRIAGE LICENSE IS LESS THAN 18 YEARS
11 OF AGE, BOTH PARTIES APPLYING FOR THE LICENSE AND AT LEAST 1 PARENT
12 OR GUARDIAN OF EACH PARTY WHO IS A MINOR SHALL COMPLETE AND VERIFY
13 COMPLETION OF A PREMARITAL EDUCATION PROGRAM AS PRESCRIBED IN
14 SECTION 2B. THE PARENT'S OR GUARDIAN'S ATTENDANCE REQUIREMENT
15 PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY IF THE MINOR WHO
16 INTENDS TO APPLY FOR A MARRIAGE LICENSE IS EMANCIPATED AS PROVIDED
17 IN 1968 PA 293, MCL 722.1 TO 722.6.

18 (3) AN INDIVIDUAL APPLYING FOR A MARRIAGE LICENSE MAY CHOOSE
19 NOT TO COMPLY WITH THIS SECTION. IF EITHER PARTY TO A MARRIAGE
20 LICENSE APPLICATION DOES NOT COMPLY WITH THIS SECTION, A LONGER
21 WAITING PERIOD APPLIES AS PROVIDED IN SECTION 3A. THIS SECTION AND
22 THE LONGER WAITING PERIOD PRESCRIBED IN SECTION 3A DO NOT APPLY IF
23 BOTH THE MAN AND THE WOMAN APPLYING FOR THE MARRIAGE LICENSE ARE 50
24 YEARS OF AGE OR OLDER.

25 SEC. 2B. (1) A PREMARITAL EDUCATION PROGRAM REQUIRED BY
26 SECTION 2A SHALL MEET ALL OF THE FOLLOWING CRITERIA:

27 (A) THE PROGRAM SHALL EMPHASIZE SKILL-BUILDING STRATEGIES AND

1 SHALL INCLUDE, AT LEAST, CONFLICT MANAGEMENT, COMMUNICATION SKILLS,
2 FINANCIAL MATTERS, AND, IF THE COUPLE HAS OR INTENDS TO HAVE
3 CHILDREN, CHILD AND PARENTING RESPONSIBILITIES.

4 (B) THE PROGRAM SHALL BE AT LEAST 4 HOURS LONG AND SHALL BE
5 CONDUCTED BY 1 OR MORE OF THE FOLLOWING:

6 (i) A LICENSED PROFESSIONAL COUNSELOR, LICENSED MARRIAGE AND
7 FAMILY THERAPIST, LICENSED OR LIMITED LICENSED PSYCHOLOGIST, OR A
8 SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S
9 SOCIAL WORKER, OR SOCIAL SERVICE TECHNICIAN AS PRESCRIBED UNDER
10 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
11 333.18838.

12 (ii) A PSYCHIATRIST AS THAT TERM IS DEFINED IN SECTION 100C OF
13 THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100C.

14 (iii) AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION.

15 (iv) A CERTIFIED FAMILY LIFE EDUCATOR.

16 (2) AN INDIVIDUAL WHO PROVIDES A PREMARITAL EDUCATION PROGRAM
17 UNDER THIS SECTION MAY OFFER A FEE SCHEDULE FOR THE PROGRAM
18 DESCRIBED IN THIS SECTION THAT ACCOMMODATES FAMILIES OF VARIOUS
19 FINANCIAL MEANS, INCLUDING ALLOWING PARTICIPATION BY INDIGENT
20 INDIVIDUALS FOR NO FEE. PAYMENT FOR A PREMARITAL EDUCATION PROGRAM
21 SHALL BE MADE DIRECTLY TO THE PROGRAM PROVIDER.

22 Sec. 3. (1) ~~A person~~ AN INDIVIDUAL who is 18 years of age or
23 older may contract marriage. ~~A person~~ AN INDIVIDUAL who is 16 years
24 of age but ~~is~~ less than 18 years of age may contract marriage with
25 the written consent of 1 of the parents of the person or the
26 person's legal guardian, as provided in this section. As proof of
27 age, the person who intends to be married, in addition to the

1 statement of age in the application, when requested by the county
2 clerk, shall submit a birth certificate or other proof of age.

3 (2) The county clerk on the application submitted shall fill
4 out the blank spaces of the license according to the sworn answers
5 of the applicant, taken before the county clerk, or ~~some person~~
6 ~~duly~~ **AN INDIVIDUAL** authorized by law to administer oaths. If it
7 appears from the affidavit that either the applicant for a marriage
8 license or the ~~person whom~~ **INDIVIDUAL** he or she intends to marry is
9 less than 18 years of age, the county clerk shall require that
10 there first be produced the written consent of 1 of the parents of
11 each of the ~~persons~~ **INDIVIDUALS** who is less than 18 years of age or
12 of the ~~person's~~ **INDIVIDUAL'S** legal guardian, unless the ~~person~~
13 **INDIVIDUAL** does not have a living parent or guardian. The consent
14 shall be to the marriage and to the issuing of the license for
15 which the application is submitted. The consent shall be given
16 personally in the presence of the county clerk or be acknowledged
17 before a notary public or other officer authorized to administer
18 oaths.

19 (3) **A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE TO AN**
20 **INDIVIDUAL WHO FAILS TO SIGN AND FILE WITH THE COUNTY CLERK AN**
21 **APPLICATION FOR A MARRIAGE LICENSE THAT INCLUDES A STATEMENT WITH A**
22 **CHECK-OFF BOX INDICATING THAT BOTH PARTIES TO THE INTENDED MARRIAGE**
23 **HAVE OR HAVE NOT RECEIVED PREMARITAL EDUCATION.**

24 (4) A license shall not be issued by the county clerk until
25 the requirements of **SECTION 2A AND** this section are complied with.
26 The written consent shall be preserved on file in the office of the
27 county clerk. If the parties are legally entitled to be married,

1 the county clerk shall sign the license and certify the fact that
2 it is properly issued, and the clerk shall make a correct copy of
3 the license in the books of registration.

4 (5) ~~(2) A~~ **SUBJECT TO SUBSECTION (8), A** fee of \$20.00 shall be
5 paid by the person applying for the license and shall be paid by
6 the county clerk into the general fund of the county. The county
7 board of commissioners shall allocate \$15.00 of each fee collected
8 to the circuit court for family counseling services, which shall
9 include counseling for domestic violence and child abuse. If family
10 counseling services are not established in the county, the circuit
11 court may use the money allocated to contract with public or
12 private agencies providing similar services. Money allocated to the
13 circuit court pursuant to this section that is not expended shall
14 be returned to the general fund of the county to be held in escrow
15 until circuit court family counseling services are established
16 ~~pursuant to~~ **UNDER** the circuit court family counseling services act,
17 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the
18 county clerk to waive the marriage license fee in cases in which
19 the fee would result in undue hardship. If both parties named in
20 the application are nonresidents of ~~the~~ **THIS** state, the ~~person~~
21 **INDIVIDUAL** applying for the license shall pay an additional fee of
22 \$10.00, which the county clerk shall deposit into the general fund
23 of the county.

24 (6) The county clerk shall give the license filled out and
25 signed, together with the blank form of certificate, to the ~~person~~
26 **INDIVIDUAL** applying, for delivery to the individual who is to
27 officiate at the marriage.

(7) On the return **TO THE COUNTY CLERK** of ~~the~~ **A** license ~~to~~
ISSUED BY the county clerk ~~, containing~~ **THAT CONTAINS** the
signatures of the witnesses to the marriage, **AS REQUIRED BY SECTION**
4, who ~~shall be~~ **WERE AT THE TIME OF THE CEREMONY** 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.

(8) ~~(3)~~ **A** charter county that has a population of ~~over~~ **MORE**
THAN 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)~~ **(5)**. The charter county shall
allocate the fee for family counseling services as prescribed by
subsection ~~(2)~~ **(5)**. A charter county shall not impose a fee that is
greater than the cost of the service for which the fee is charged.

Sec. 3a. (1) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3),**
A marriage license shall not be delivered within a period of ~~3~~ **28**
days **AFTER THE APPLICATION**, including the date of application.
~~However, the~~

(2) IF THE PARTIES TO A MARRIAGE LICENSE APPLICATION COMPLY
WITH SECTION 2A, THE COUNTY CLERK MAY DELIVER A MARRIAGE LICENSE
IMMEDIATELY FOLLOWING THE APPLICATION. A MARRIAGE LICENSE ISSUED

1 UNDER THIS SUBSECTION IS VOID UNLESS A MARRIAGE IS SOLEMNIZED UNDER
2 THE LICENSE WITHIN 30 DAYS AFTER THE APPLICATION.

3 (3) A county clerk, ~~of each county,~~ for good and sufficient
4 cause shown, may deliver ~~the~~ **A MARRIAGE** license immediately
5 following the application. If the county clerk delivers the license
6 immediately following the application, the person applying for the
7 license shall pay a fee to be determined by the county board of
8 commissioners, which the county clerk shall deposit into the
9 general fund of the county.

10 (4) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (2),~~ A marriage license
11 issued is void unless a marriage is solemnized under the license
12 within ~~33-58~~ days after the application.

13 Enacting section 1. This amendatory act takes effect October
14 1, 2011.