



HOUSE BILL No. 4395

March 2, 1993, Introduced by Reps. Gubow, Brown, Gire, Johnson, Munsell, Scott, Byrum, Dobb, Sikkema, Dolan and Fitzgerald and referred to the Committee on Judiciary.

A bill to amend section 3 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,"

as amended by Act No. 346 of the Public Acts of 1984, being section 551.103 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 128 of the Public Acts of
2 1887, as amended by Act No. 346 of the Public Acts of 1984, being
3 section 551.103 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. (1) ~~Every~~ A person who ~~becomes~~ IS 18 years of
6 age ~~shall be capable by law of contracting~~ OR OLDER MAY
7 CONTRACT marriage. ~~Every~~ A person who ~~becomes~~ IS 16 years of

1 age OR OLDER but is less than 18 years of age ~~shall be capable~~
2 ~~of contracting~~ MAY CONTRACT marriage IF THE PERSON IS EMANCI-
3 PATED AS PROVIDED IN ACT NO. 293 OF THE PUBLIC ACTS OF 1968,
4 BEING SECTIONS 722.1 TO 722.6 OF THE MICHIGAN COMPILED LAWS, OR
5 with the written consent of 1 of the PERSON'S parents ~~of the~~
6 ~~person~~ or the person's legal guardian, as provided in this
7 section. ~~As proof of age, the~~ THE party to the intended mar-
8 riage, in addition to the statement of age in the application,
9 ~~when~~ IF requested by the county clerk, shall submit a birth
10 certificate or other proof of age, OR PROOF OF EMANCIPATION.

11 (2) The county clerk on the application made shall fill out
12 the blank spaces of the license according to the sworn answers of
13 the applicant, taken before the county clerk ~~or~~ or some person
14 duly authorized by law to administer oaths. ~~When~~ IF it appears
15 from the affidavit that ~~either~~ the applicant is applying for a
16 license for ~~the~~ marriage to a person who ~~has not become 18~~
17 ~~years of age or~~ IS LESS THAN 18 YEARS OF AGE OR IS NOT
18 EMANCIPATED, that the applicant ~~has not become~~ IS LESS THAN 18
19 years of age OR IS NOT EMANCIPATED, or THAT both persons applying
20 for a license are less than 18 years of age OR NOT EMANCIPATED,
21 the county clerk shall require that there first be produced the
22 written consent of 1 of the parents of each ~~of the persons~~
23 PERSON who is less than 18 years of age OR NOT EMANCIPATED, or of
24 the person's legal guardian, to the marriage and to the issuing
25 of the license for which application is made. The consent shall
26 be given personally in the presence of the county clerk or be
27 acknowledged before a notary public or other officer authorized

1 to administer oaths unless the person does not have a living
2 parent or guardian.

3 (3) ~~A~~ THE COUNTY CLERK SHALL NOT ISSUE A license ~~shall~~
4 ~~not be issued by the county clerk~~ until the requirements of this
5 section are complied with. ~~The~~ A written consent shall be pre-
6 served on file in the office of the county clerk. If the parties
7 are legally entitled to be married, the county clerk shall sign
8 the license and certify the fact that it is properly issued, and
9 the clerk shall make a correct copy of the license in the books
10 of registration.

11 (4) ~~(2)~~ A ~~fee of \$20.00 shall be paid by the~~ party
12 applying for ~~the~~ A MARRIAGE license ~~which shall be paid by~~
13 SHALL PAY A \$30.00 FEE THAT the county clerk SHALL PAY into the
14 general fund of the county.

15 (5) The county board of commissioners shall allocate \$15.00
16 of each fee collected UNDER SUBSECTION (4) to the circuit court
17 for family counseling services, which shall include counseling
18 for domestic violence and child abuse. If family counseling
19 services are not established in the county, the circuit court
20 ~~may~~ SHALL use the money allocated to contract with A public or
21 private ~~agencies~~ AGENCY providing similar services, IF AN
22 AGENCY EXISTS THAT PROVIDES THOSE SERVICES TO RESIDENTS OF THE
23 COUNTY. ~~Funds~~ MONEY allocated to the circuit court pursuant to
24 this ~~section which are~~ SUBSECTION THAT IS not expended shall be
25 returned to the general fund of the county to be held in escrow
26 until circuit court family counseling services are established
27 pursuant to THE CIRCUIT COURT FAMILY COUNSELING SERVICES ACT, Act

1 No. 155 of the Public Acts of 1964, as amended, being sections
2 551.331 to 551.344 of the Michigan Compiled Laws, OR UNTIL A
3 PUBLIC OR PRIVATE AGENCY EXISTS THAT PROVIDES SIMILAR SERVICES TO
4 RESIDENTS OF THE COUNTY.

5 (6) THE COUNTY BOARD OF COMMISSIONERS SHALL ALLOCATE \$10.00
6 OF EACH FEE COLLECTED UNDER SUBSECTION (4) TO CONTRACT WITH AN
7 AGENCY PROVIDING A SHELTER PROGRAM FOR VICTIMS OF DOMESTIC VIO-
8 LENCE AND THEIR DEPENDENT CHILDREN WHO ARE RESIDENTS OF THE
9 COUNTY, WHICH CONTRACT SHALL PROVIDE FOR ADVOCACY FOR THOSE VIC-
10 TIMS IN THE FOLLOWING MANNER:

11 (A) THE COUNTY SHALL CONTRACT WITH EACH AGENCY IN THAT
12 COUNTY FUNDED BY THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT
13 BOARD CREATED BY ACT NO. 389 OF THE PUBLIC ACTS OF 1978, BEING
14 SECTIONS 400.1501 TO 400.1510 OF THE MICHIGAN COMPILED LAWS. IN
15 A COUNTY THAT HAS MORE THAN 1 SUCH AGENCY, THE COUNTY SHALL
16 APPORTION THE MONEY EQUALLY AMONG THOSE AGENCIES.

17 (B) IF AN AGENCY DESCRIBED IN SUBDIVISION (A) DOES NOT
18 EXIST, THE COUNTY SHALL CONTRACT WITH AN AGENCY THAT IS NOT
19 FUNDED BY THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD.

20 (C) IF NO AGENCY IN THE COUNTY PROVIDES A SHELTER PROGRAM
21 FOR VICTIMS OF DOMESTIC VIOLENCE AND THEIR DEPENDENT CHILDREN WHO
22 ARE RESIDENTS OF THE COUNTY, THE AMOUNT ALLOCATED UNDER THIS SUB-
23 SECTION SHALL BE HELD IN ESCROW IN THE COUNTY GENERAL FUND UNTIL
24 SUCH AN AGENCY EXISTS.

25 (7) A probate court may order the county clerk to waive the
26 marriage license fee in cases in which the fee would result in
27 undue hardship. If both parties named in the application are

1 nonresidents of the state, ~~an additional fee of \$10.00 shall be~~
2 ~~paid by~~ the party applying for the license ~~which shall be~~
3 ~~deposited by~~ SHALL PAY AN ADDITIONAL \$10.00 FEE THAT the county
4 clerk SHALL DEPOSIT into the general fund of the county.

5 (8) The county clerk shall give the license filled out and
6 signed, together with the blank form of certificate, to the party
7 applying, for delivery to the clergyman or magistrate who is to
8 officiate at the marriage. On the return of the license to the
9 county clerk, with the certificate of the clergyman or magistrate
10 that the marriage has been performed, the county clerk shall
11 record in the book of registration in the proper place of entry
12 the information prescribed by the director of public health. The
13 licenses and certificates issued and returned shall be forwarded
14 to the state registrar appointed by the director of public health
15 on the forms and in the manner prescribed by the director.

16 (9) ~~(3)~~ A charter county ~~which~~ THAT has a population of
17 over 2,000,000 may impose by ordinance a marriage license fee or
18 nonresident marriage license fee, or both, different in amount
19 than the fee prescribed by subsection ~~(2)~~ (4) OR (7). The
20 charter county shall allocate ~~the~~ PORTIONS OF EACH fee for
21 family counseling services AND ADVOCACY as prescribed by
22 ~~subsection (2)~~ THIS SECTION. A charter county shall not impose
23 a fee ~~which~~ THAT is greater than the cost of the service for
24 which the fee is charged.

25 (10) A COUNTY MAY IMPOSE BY ORDINANCE A MARRIAGE LICENSE FEE
26 DIFFERENT IN AMOUNT THAN THE FEE PRESCRIBED BY SUBSECTION (4) OR

1 (7) TO COVER THE ADMINISTRATIVE COSTS INCURRED BY THE COUNTY IN
2 ISSUING THE MARRIAGE LICENSE.

3 (11) THE MONEY ALLOCATED TO FAMILY COUNSELING SERVICES AND
4 ADVOCACY UNDER THIS SECTION SHALL NOT BE USED AS AN OFFSET
5 AGAINST A STATE APPROPRIATION TO REDUCE THE AMOUNT BUDGETED FOR
6 THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD CREATED BY
7 ACT NO. 389 OF THE PUBLIC ACTS OF 1978.