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BILL



ANALYSIS

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House Bill 5635 (Substitute H-4 as passed by the House)

Sponsor: Representative Roland Jersevic

House Committee: Judiciary and Civil Rights

Senate Committee: Families, Mental Health and Human Services

Date Completed: 11-14-96

CONTENT

The bill would amend Public Act 128 of 1887, which provides for marriage licenses, to require couples to complete premarital education or counseling in order to receive a marriage license within the current three-day waiting period.

Individuals applying for a marriage license would have to verify completion of a premarital education or counseling program by a statement to that effect in the license application affidavit and by filing with the application a certificate of completion from the program administrator. If one of the applicants were less than 18 years of age, both applicants and at least one parent or guardian of each minor would have to complete and verify a program of premarital education or counseling. The attendance requirement for the parent or guardian would not apply if the minor who intended to apply for the marriage license were emancipated.

Currently, there is a three-day waiting period for marriage licenses after application, unless the county clerk, for good and sufficient cause shown, decides to deliver the license immediately after application. The bill would allow applicants for a marriage license to choose not to comply with the bill's prescribed premarital education or counseling requirements, but if either party did not comply, both applicants would have to wait at least 60 days to receive their marriage license. If an applicant were at least 24 weeks pregnant, however, the license could be issued under the current provisions to ensure the legitimacy of the child. A marriage license issued under the 60-day waiting period would be void if the marriage were not solemnized within 93 days after the application. Under the three-day waiting period, a marriage license is void if the marriage is not solemnized within 33 days after the application.

The bill specifies that a premarital education or counseling program could be conducted only by 1) a licensed professional counselor, licensed marriage and family therapist, or licensed or limited licensed psychologist, 2) a social worker or certified social worker registered under the Occupational Code, 3) a psychiatrist, or 4) an official representative of a religious institution or his or her designee.

The bill would require a premarital educational program to include, at a minimum, training for couples in conflict management, communication skills, financial responsibilities, and children and parenting responsibilities. If one of the parties were a minor, the program also would have to cover minors and marriage, and extended family roles and the marriage. If the individual conducting a premarital program were an official representative of a religious institution or his or her designee,

the program could omit training on a topic if the training would violate a tenet of the religious institution.

The bill would require a program provider to offer a fee schedule that accommodated families of various financial means, including allowing free participation by indigent individuals. Payment for a program would have to be made directly to the program provider.

The bill would take effect January 1, 1997.

The bill is tie-barred to House Bill 5627, which would require the Office of the Friend of the Court to use electronic means to receive, record, and disburse support payments; House Bill 5628, which would require the Friend of the Court to develop and recommend a formula to be used in establishing and modifying spousal support amounts; and House Bill 5637, which would enact the "Parenting Plan Act".

MCL 551.103 et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

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

Fiscal Analyst: M. Ortiz

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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.