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PRE-MARRIAGE EDUCATION/ COUNSELING

House Bill 4631
Sponsor: Rep. Jessie Dalman
Committee: Judiciary

Complete to 6-9-97

A SUMMARY OF HOUSE BILL 4631 AS INTRODUCED 4-15-97

The bill would amend the marriage license act (Public Act 128 of 1887) to require premarital education or counseling in order to receive a marriage license after the current three-day waiting period. If a couple did not undergo the required premarital education or counseling, they would have to wait 60 days instead of three days to receive their marriage license.

Marriage license application requirements. Current state law requires applicants for marriage licenses to be at least 18 years old (though people as young as 16 years old may marry with the written consent of their parents or legal guardians), to undergo counseling regarding the transmission and prevention of venereal disease and HIV infection, and to pay a \$20 application fee (though the probate court can order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship).

Applicants must state their ages on the marriage license application and, if requested by the county clerk, provide a birth certificate or other proof of age. (When it appears from the age affidavit that one or both of the applicants aren't 18, the clerk must require that there first be produced the written consent of one of the parents or legal guardians of the underage applicant. Unless the underage applicant doesn't have a living parent or guardian, the consent must be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths.)

Those providing counseling for VD and HIV transmission (who can be a physician, his or her designee, a physician's assistant, a certified nurse midwife, a certified nurse practitioner, or a local health officer or his or her designee) also must offer the applicant (or refer him or her for) tests for VD and HIV. Moreover, when someone applies for a marriage license, the county clerk must give the applicant educational materials (prepared by the state) on topics related to VD, HIV transmission, and prenatal care, including a list of locations where HIV counseling and testing services funded by the state are available. A county clerk also cannot issue a marriage license unless the applicant files either a certificate indicating that he or she has had the required VD and HIV counseling or a written objection stating that the counseling requirements violate the applicant's personal religious beliefs. If an applicant files a written objection to the VD and HIV counseling requirements, the county clerk can charge a fee -- up to the amount charged by the local health department for providing the required VD and HIV counseling -- for the administrative costs associated with filing the written objection.

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The bill would require, in addition to the existing requirements, that people intending to apply for a marriage license together complete a program in premarital education or counseling as specified by the bill. If either or both of the people intending to apply for a marriage license are under 18, both parties and at least one parent or guardian of each would have to complete and verify a prescribed program of premarital education or counseling.

Applicants for marriage licenses would have to verify completion of a prescribed program in premarital education or counseling by a statement to that effect in the application affidavit and by filing with the application a certificate of completion from the premarital program administrator.

The bill also would exempt emancipated minors from the current consent requirements by parents or legal guardians.

Marriage license waiting period. Currently, there is a three-day wait for marriage licenses after application, unless the county clerk ("for good and sufficient cause shown") decides to deliver the license immediately after application.

People applying for marriage licenses could choose not to comply with the bill's prescribed premarital education or counseling requirements, but if either applicant didn't comply, both would have to wait at least 60 days to receive their marriage license.

Premarital education or counseling programs. The required premarital education or counseling could be conducted only by: (1) a licensed professional counselor, licensed marriage and family therapist, or licensed or limited licensed psychologist; (2) a registered social worker or certified social worker; (3) a psychiatrist; or (4) an official representative of a religious institution or his or her designee.

The bill would require that required premarital programs include, at a minimum, a list of specified topics unless the program was provided by a religious representative and training on the topic would violate a tenet of the religious institution. The topics would include:

- (1) Conflict management;
- (2) Communication skills;
- (3) Financial responsibilities; and
- (4) Children and parenting responsibilities.

In addition, if one or both of the parties was a minor, the premarital program would have to include training on (a) minors and marriage and (b) extended family roles and the marriage.

Premarital education or counseling programs would be required to offer a sliding scale fee schedule ("a fee schedule that accommodated families of various financial means"), including offering the program for free to indigent people. Payment, where applicable, would be made directly to the program provider.

MCL 551.103 and 551.103a

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.