

# HOUSE BILL No. 4400

March 4, 1997, Introduced by Reps. Curtis, Nye, McBryde, Cropsey, Jelinek, McNutt, Gernaat, Walberg, Raczkowski, Goschka, Horton, Jansen, Olshove, LaForge, Varga, Dalman, Bankes and Johnson and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"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,"

by amending sections 3 and 3a (MCL 551.103 and 551.103a), section 3 as amended by 1984 PA 346 and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A MAN  
2 AND A WOMAN WHO INTEND TO APPLY FOR A MARRIAGE LICENSE SHALL  
3 TOGETHER COMPLETE A PROGRAM IN PREMARITAL EDUCATION OR COUNSELING  
4 AS PRESCRIBED IN SECTION 2B. THE INDIVIDUALS APPLYING FOR THE  
5 MARRIAGE LICENSE SHALL VERIFY COMPLETION OF THE PROGRAM BY A  
6 STATEMENT TO THAT EFFECT IN THE APPLICATION AFFIDAVIT AND BY

1 FILING WITH THE APPLICATION A CERTIFICATE OF COMPLETION FROM THE  
2 PROGRAM ADMINISTRATOR.

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), IF AN INDIVIDUAL  
4 WHO IS INTENDING TO APPLY FOR A MARRIAGE LICENSE IS LESS THAN 18  
5 YEARS OF AGE, BOTH PARTIES APPLYING FOR THE LICENSE AND AT LEAST  
6 1 PARENT OR GUARDIAN OF EACH PARTY WHO IS A MINOR SHALL COMPLETE  
7 AND VERIFY A PROGRAM OF PREMARITAL EDUCATION OR COUNSELING AS  
8 PRESCRIBED IN SECTION 2B. THE PARENT'S OR GUARDIAN'S ATTENDANCE  
9 REQUIREMENT PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY IF THE  
10 MINOR WHO INTENDS TO APPLY FOR A MARRIAGE LICENSE IS EMANCIPATED  
11 AS PROVIDED IN 1968 PA 293, MCL 722.1 TO 722.6.

12 (3) AN INDIVIDUAL APPLYING FOR A MARRIAGE LICENSE MAY CHOOSE  
13 NOT TO COMPLY WITH THIS SECTION. IF EITHER PARTY TO A MARRIAGE  
14 LICENSE APPLICATION DOES NOT COMPLY WITH THIS SECTION, THE LONGER  
15 WAITING PERIOD IN SECTION 3A APPLIES.

16 SEC. 2B. (1) A PREMARITAL EDUCATION OR COUNSELING PROGRAM  
17 REQUIRED BY SECTION 2A SHALL BE CONDUCTED ONLY BY 1 OR MORE OF  
18 THE FOLLOWING:

19 (A) A LICENSED PROFESSIONAL COUNSELOR, LICENSED MARRIAGE AND  
20 FAMILY THERAPIST, OR LICENSED OR LIMITED LICENSED PSYCHOLOGIST  
21 LICENSED AS PROVIDED IN ARTICLE 15 OF THE PUBLIC HEALTH CODE,  
22 1978 PA 368, MCL 333.16101 TO 333.18838.

23 (B) A SOCIAL WORKER OR CERTIFIED SOCIAL WORKER MEETING THE  
24 REQUIREMENTS OF AND REGISTERED UNDER, RESPECTIVELY, SECTION 1605  
25 OR 1606 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1605 AND  
26 339.1606.

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

3 (D) AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION OR  
4 HIS OR HER DESIGNEE.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROGRAM  
6 REQUIRED BY SECTION 2A SHALL INCLUDE, BUT IS NOT LIMITED TO,  
7 TRAINING FOR COUPLES INTENDING TO MARRY COVERING THE FOLLOWING  
8 TOPICS:

9 (A) CONFLICT MANAGEMENT.

10 (B) COMMUNICATION SKILLS.

11 (C) FINANCIAL RESPONSIBILITIES.

12 (D) CHILDREN AND PARENTING RESPONSIBILITIES.

13 (E) IF 1 OF THE PARTIES IS A MINOR, BOTH OF THE FOLLOWING:

14 (i) MINORS AND MARRIAGE.

15 (ii) EXTENDED FAMILY ROLES AND THE MARRIAGE.

16 (3) IF THE INDIVIDUAL CONDUCTING A PROGRAM DESCRIBED IN THIS  
17 SECTION IS AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION  
18 OR HIS OR HER DESIGNEE, THE PROGRAM MAY OMIT TRAINING COVERING A  
19 TOPIC LISTED IN SUBSECTION (2) IF TRAINING ON THAT TOPIC WOULD  
20 VIOLATE A TENET OF THE RELIGIOUS INSTITUTION.

21 (4) A PROGRAM PROVIDER SHALL OFFER A FEE SCHEDULE FOR THE  
22 PROGRAM DESCRIBED IN THIS SECTION THAT ACCOMMODATES FAMILIES OF  
23 VARIOUS FINANCIAL MEANS, INCLUDING ALLOWING PARTICIPATION BY  
24 INDIGENT INDIVIDUALS FOR NO FEE. PAYMENT FOR AN EDUCATION OR  
25 COUNSELING PROGRAM SHALL BE MADE DIRECTLY TO THE PROGRAM  
26 PROVIDER.

1           Sec. 3. (1) ~~Every person who becomes~~ AN INDIVIDUAL WHO IS  
2 18 years of age ~~shall be~~ OR OLDER IS capable by law of  
3 contracting marriage. ~~Every person who becomes~~ AN INDIVIDUAL  
4 WHO IS 16 years of age but is less than 18 years of age ~~shall~~  
5 ~~be~~ IS capable of contracting marriage with the written consent  
6 of 1 of the parents of the ~~person~~ INDIVIDUAL or the ~~person's~~  
7 INDIVIDUAL'S legal guardian, as provided in this section. As  
8 proof of age, the party to the intended marriage, in addition to  
9 the statement of age in the application, when requested by the  
10 county clerk, shall submit a birth certificate or other proof of  
11 age.

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

1 other officer authorized to administer oaths unless the ~~person~~  
2 INDIVIDUAL does not have a living parent or guardian.

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

10 (4) ~~(2)~~ A fee of \$20.00 shall be paid by the party apply-  
11 ing for the license, which shall be paid by the county clerk into  
12 the general fund of the county. The county board of commission-  
13 ers shall allocate \$15.00 of each fee collected to the circuit  
14 court for family counseling services, which shall include coun-  
15 seling for domestic violence and child abuse. If family counsel-  
16 ing services are not established in the county, the circuit court  
17 may use the money allocated to contract with public or private  
18 agencies providing similar services. ~~Funds~~ MONEY allocated to  
19 the circuit court ~~pursuant to~~ BY this section ~~which are~~ THAT  
20 IS not expended shall be returned to the general fund of the  
21 county to be held in escrow until circuit court family counseling  
22 services are established ~~pursuant to Act No. 155 of the Public~~  
23 ~~Acts of 1964, as amended, being sections 551.331 to 551.344 of~~  
24 ~~the Michigan Compiled Laws~~ UNDER THE CIRCUIT COURT FAMILY COUN-  
25 SELING SERVICES ACT, 1964 PA 155, MCL 551.331 TO 551.344. A pro-  
26 bate court may order the county clerk to waive the marriage  
27 license fee in cases in which the fee would result in undue

1 hardship. If both parties named in the application are  
2 nonresidents of the state, an additional fee of \$10.00 shall be  
3 paid by the party applying for the license, which shall be depos-  
4 ited by the county clerk into the general fund of the county.

5 (5) 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 (6) ~~(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). The charter  
20 county shall allocate the fee for family counseling services as  
21 prescribed by subsection ~~(2)~~ (4). A charter county shall not  
22 impose a fee ~~which~~ THAT is greater than the cost of the service  
23 for which the fee is charged.

24 Sec. 3a. (1) A license to marry shall not be delivered  
25 within a period of 3 days including the date of application.  
26 However, the county clerk of each county, for good and sufficient  
27 cause shown, may deliver the license immediately following the

1 application. A marriage license issued UNDER THIS SUBSECTION is  
2 void unless a marriage is solemnized under the license within 33  
3 days after the application. THIS SUBSECTION DOES NOT APPLY IF  
4 SUBSECTION (2) APPLIES.

5 (2) IF A PARTY TO A MARRIAGE LICENSE APPLICATION DOES NOT  
6 COMPLY WITH SECTION 2A, THE CLERK SHALL NOT DELIVER THE MARRIAGE  
7 LICENSE WITHIN 60 DAYS AFTER THE DATE OF THE APPLICATION. A MAR-  
8 RIAGE LICENSE ISSUED UNDER THIS SUBSECTION IS VOID UNLESS A MAR-  
9 RIAGE IS SOLEMNIZED UNDER THE LICENSE WITHIN 93 DAYS AFTER THE  
10 APPLICATION.