

Legislative Analysis



MARRIAGE PRESERVATION PACKAGE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 959 as passed by the Senate
Sponsor: Sen. Michelle A. McManus

Senate Bill 961 as passed by the Senate
Sponsor: Sen. Alan L. Cropsey

Senate Bill 963 as passed by the Senate
Sponsor: Sen. Bill Hardiman

Senate Bill 964 as passed by the Senate
Sponsor: Sen. Alan Sanborn

Senate Bill 966 as passed by the Senate
Sponsor: Sen. Wayne Kuipers

House Committee: Judiciary
Senate Committee: Judiciary

Complete to 11-3-04

A SUMMARY OF SENATE BILLS 959, 961, 963, 964, AND 966 AS PASSED BY THE SENATE

The bills are part of the package of legislation known as the Marriage and Family Preservation Program. House Bills 5467-5471, 5473, and 5474 have passed both chambers but have not yet been enrolled. House Bill 5472, which revised an outdated provision that required a prosecutor to enter an appearance at every divorce hearing that involved minor children, was enacted earlier this year and became Public Act 376 of 2004. The Senate bills would take effect October 1, 2004.

Senate Bill 959 would amend Part 169 of the Public Health Code (MCL 333.16901 and 333.16903) to specify that an individual exempt from the marriage and family therapy licensing requirements is not prohibited from issuing unpaid public awareness campaigns or educational or promotional materials.

(Part 169 regulates marriage and family therapists, but does not apply to certain professionals, such as social workers, clerics, psychiatrists, and psychologists. It specifies that, unless exempted, only an individual licensed under that part may "advertise" that he or she offers marriage and family therapy or similar services.)

Under the code, "advertise" means issuing or ordering the printing or distribution of a card, sign, or device, causing, permitting, or allowing a sign or marking on or in a building or structure, or placing material in a newspaper, magazine, or directory, or on

radio or television. The bill specifies that "advertise" would not include unpaid public awareness campaigns or educational or promotional materials by individuals exempted from Part 169.

The bill is tie-barred to House Bill 5474 (which would amend Part 169 to provide additional exemptions).

Senate Bill 961 would amend Public Act 128 of 1887 (MCL 551.112), which provides for the civil licensing and registration of marriage, to allow the parties to a marriage who attend and complete a premarital education program to claim the income tax credit available under House Bill 5468. The bill is tie-barred to House Bill 5469 (which contains similar provisions).

Senate Bill 963 would also amend Public Act 128 of 1887 (MCL 551.104) to require the cleric or magistrate officiating at a marriage to fill in the appropriate space of the marriage certificate indicating whether or not the parties received premarital education. Parties receiving premarital education would have to verify completion of the education by a sworn statement to that effect in the marriage license or certificate.

The bill is tie-barred to House Bill 5473 (which would make the same amendment to Public Act 128) and Senate Bill 964.

Senate Bill 964 would amend Public Act 128 of 1887 (MCL 551.102 et al.) to provide that a man and a woman under 50 years of age who intended to apply for a marriage license would have to complete a program together in premarital education or be subject to a longer waiting period before the license could be issued. The couple would have to verify completion of a program by making a statement to that effect in the marriage license application and filing with the application a certificate of completion from the program administrator.

If an individual who intended to apply for a marriage license were under 18 years old, both parties applying for the license and at least one parent or guardian of each party who was a minor would have to complete and verify a program of premarital education. The parent's or guardian's attendance would not be required if the minor were emancipated.

If either party to a marriage license application chose not to comply with the premarital education program requirement, a longer waiting period would apply under amendments to the act proposed by House Bill 5467, unless both applicants were at least 50 years old.

A premarital education program would have to emphasize skill-building strategies and include, at least, conflict management, communication skills, financial matters, and, if the couple had or intended to have children, child and parenting responsibilities. The program would have to be at least four hours long and be conducted by one or more of the following:

- A licensed professional counselor, licensed marriage and family therapist, licensed or limited licensed psychologist, certified social worker, or licensed or registered social worker.
- A psychiatrist.
- An official representative of a religious institution.

An individual who provided a premarital education program could offer a fee schedule that accommodated families of various financial means, including allowing participation by indigent individuals for no fee. Payment for a premarital education program would have to be made directly to the program provider.

The bill is tie-barred to House Bill 5467 (which would amend Public Act 128 to prevent a county clerk from delivering a marriage license before 28 days after the parties applied, if they did not comply with the premarital education requirements).

Senate Bill 966 would amend the Child Custody Act (MCL 722.27a) to require the State Court Administrative Office, with the approval and at the direction of the supreme court, to develop and make available a form for a parent's use in completing a parenting plan. The court would have to make the form available to the parents of a minor child. The form would have to indicate the subject matter to be addressed in a parenting plan and contain a sworn statement signed by each parent that the parenting plan was proposed in good faith. The form would have to include notice that either party could obtain legal counsel.

If the parents created a parenting plan, it would have to be filed with the court before a hearing on, or determination of, issues regarding a child. A party's failure to file a parenting plan, however, would not be evidence of his or her willingness and ability to facilitate and encourage a close and continuing parent-child relationship between the child and the other party.

The bill is tie-barred to House Bill 5471 (which would amend the Child Custody Act to require the court to make certain declarations if a parenting plan had been filed and approved).

FISCAL IMPACT:

Senate Bill 959 would have no fiscal impact on the state or on local units of government.

Senate Bill 961 would not by itself have a direct fiscal impact on the state or on local units of government, but in conjunction with House Bill 5468, which provides an income tax credit, could reduce annual state General Fund/General Purpose revenue by up to \$1.5 million.

Senate Bills 963 and 964 would each have an indeterminate impact on local units of government, depending on how it affected administrative costs and efficiencies.

Senate Bill 966 would have an indeterminate fiscal impact on the judiciary and local court funding units, depending on how it affected judicial workloads and administrative costs. The bill would have no significant fiscal impact on the state.

Legislative Analyst: Susan Stutzky
Fiscal Analysts: Rebecca Ross
Marilyn Peterson
Susan Frey

■ 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.