

MARRIAGE LICENSE (EXCERPT)

Act 128 of 1887

551.103 Persons capable of contracting marriage; age requirement; proof of age; certification of license; copy of license; fee; allocation for family counseling services; return and disposition of unexpended funds; waiver of fee; additional fee for nonresidents; delivery of license and certificate to officiating individual; recording information; forwarding licenses and certificates to state registrar; imposition of fee by certain charter counties.

Sec. 3. (1) An individual who is 18 years of age or older may contract marriage. As proof of age, the individual who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, must submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. The county clerk shall not issue a license until the requirements of this section are complied with. If the parties are legally entitled to be married, the county clerk must sign the license and certify the fact that it is properly issued, and the clerk must make a correct copy of the license in the books of registration.

(2) A fee of \$20.00 must be paid by the individual applying for the license and must be paid by the county clerk into the general fund of the county. The county board of commissioners must allocate \$15.00 of each fee collected to the circuit court for family counseling services that must include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. Money allocated to the circuit court under this section that is not expended must be returned to the general fund of the county to be held in escrow until circuit court family counseling services are established under the circuit court family counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both parties named in the application are nonresidents of the state, the individual applying for the license must pay an additional fee of \$10.00 that the county clerk must deposit into the general fund of the county. The county clerk must give the license filled out and signed, together with the blank form of certificate, to the individual applying, for delivery to the individual who is to officiate at the marriage. On the return of the license to the county clerk, containing the signatures of the witnesses to the marriage, who must be 18 years of age or older, the individuals being married, and the individual officiating at the marriage, with the certificate of the individual officiating at the marriage that the marriage has been performed, the county clerk must record in the book of registration in the proper place of entry the information prescribed by the director of the department of health and human services. The licenses and certificates issued and returned must be forwarded to the state registrar appointed by the director of the department of health and human services on the forms and in the manner prescribed by the director.

(3) A charter county that has a population of over 1,500,000 may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fee prescribed by subsection (2). The charter county must allocate the fee for family counseling services as prescribed by subsection (2). A charter county must not impose a fee that is greater than the cost of the service for which the fee is charged.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222c;—Am. 1895, Act 243, Eff. Aug. 30, 1895;—CL 1897, 8604;—CL 1915, 11378;—Am. 1917, Act 195, Eff. Aug. 10, 1917;—CL 1948, 551.103;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1953, Act 31, Eff. Oct. 2, 1953;—Am. 1963, Act 112, Eff. Sept. 6, 1963;—Am. 1967, Act 23, Imd. Eff. June 2, 1967;—Am. 1968, Act 304, Eff. Nov. 15, 1968;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1980, Act 4, Eff. Feb. 14, 1980;—Am. 1981, Act 65, Imd. Eff. June 16, 1981;—Am. 1984, Act 346, Imd. Eff. Dec. 27, 1984;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007;—Am. 2023, Act 121, Imd. Eff. Sept. 19, 2023.