

ISSUANCE OF MARRIAGE LICENSE WITHOUT PUBLICITY (EXCERPT)

Act 180 of 1897

551.203 Private file of papers; forwarding duplicate to state registrar; recordation of filing in private register; inspection of files and records; request and identification; court order; petition to unseal marriage record; court order; findings; petition by surviving party; forwarding copy of license and marriage certificate to county clerk; access.

Sec. 3. (1) The judge of probate shall file a complete set of all papers in each case in a private file, and, within 10 days after the marriage, shall forward a duplicate to the state registrar. The state registrar shall file the duplicate in a private file and record the filing in a private register. Except as provided in subsections (2) and (3), the file in the probate court, and the duplicate and record in the state department of health and human services, shall be open to inspection only upon the written request and proper proof of identification of 1 or both of the partners to the marriage, or upon the written order of a judge of the circuit court of this state, and only for the use designated in the order. The order shall be made only upon the written request of the person or persons who were married under this act, or if necessary for the protection of property rights arising from or affected by the marriage.

(2) Except as provided in subsection (3), after both parties to a marriage made private under this act are over 18 years of age, both parties may petition the court to unseal the record of their marriage. If the court receives a petition under this subsection or subsection (3), the court shall enter an order to unseal the record of the marriage upon finding all of the following:

- (a) The petitioners were married without publicity under section 1.
- (b) The petitioners are both over 18 years of age at the time of filing the petition.
- (c) Both of the petitioners wish to unseal the record of the marriage.

(3) If a party to a marriage made private under this act is deceased and the surviving party is 18 years of age or older, the surviving party may petition the court to unseal the record of the marriage.

(4) Upon entering an order under subsection (2), the court shall forward a copy of the license and certificate of marriage to the county clerk in the county in which the license was issued. If the court unseals a record of a marriage under this section, the court shall forward a copy of the record to the state registrar.

(5) Access to a record of marriage unsealed under subsection (2) or (3) is the same as access to a vital record provided under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

History: 1897, Act 180, Eff. Aug. 30, 1897;—CL 1897, 8614;—Am. 1899, Act 232, Eff. Sept. 23, 1899;—CL 1915, 11389;—CL 1929, 12719;—CL 1948, 551.203;—Am. 1979, Act 133, Imd. Eff. Oct. 30, 1979;—Am. 2017, Act 200, Eff. Mar. 15, 2018.