

HOUSE BILL No. 4792

June 15, 1987, Introduced by Reps. Terrell, DeMars, Harrison, Murphy, Clack, Perry Bullard, Gubow, Bennane, Leland, Brown, Jondahl, Jacobetti and Saunders and referred to the Committee on Judiciary.

A bill to amend sections 1, 2, 3, and 4 of Act No. 180 of the Public Acts of 1897, entitled as amended

"An act to provide for the issuance of marriage licenses and certificates without publicity in certain cases; and to provide criminal and civil penalties for violation of this act,"

sections 1 and 2 as amended by Act No. 199 of the Public Acts of 1983, being sections 551.201, 551.202, 551.203, and 551.204 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, 3, and 4 of Act No. 180 of the
2 Public Acts of 1897, sections 1 and 2 as amended by Act No. 199
3 of the Public Acts of 1983, being sections 551.201, 551.202,
4 551.203, and 551.204 of the Michigan Compiled Laws, are amended
5 to read as follows:

6 Sec. 1. (1) When a person desires to keep the exact date of
7 his or her marriage to a person of the opposite sex a secret, the

1 judge of ~~probate~~ THE DOMESTIC RELATIONS COURT may issue,
2 without publicity, a marriage license to any person making appli-
3 cation, under oath, if there is good reason expressed in the
4 application and determined to be sufficient by the judge. ~~of~~
5 ~~probate.~~

6 (2) The judge of ~~probate~~ THE DOMESTIC RELATIONS COURT may
7 marry, without publicity, persons under marriageable age, as pro-
8 vided in section 3 of Act No. 128 of the Public Acts of 1887,
9 being section 551.103 of the Michigan Compiled Laws, if the
10 application for the license is accompanied by 1 of the
11 following:

12 (a) A written request of all of the biological or adopting
13 living parents of both parties, and their guardian or guardians
14 if either or both of the parents are dead.

15 (b) A written request of the parents or guardians of the
16 party under marriageable age if only 1 party to the marriage is
17 under the marriageable age.

18 (3) If the noncustodial parent has been given notice of the
19 request for consent by personal service or registered mail at his
20 or her last known address and the noncustodial parent fails to
21 enter an objection within 5 days after receipt of notice, then
22 the consent shall be required only of a parent to whom custody of
23 a child has been awarded by a court. The consent shall not be
24 required of a parent confined under sentence in a state or fed-
25 eral penal institution or confined in a mental hospital under
26 adjudication of legal incapacity by a court of competent
27 jurisdiction or upon the return of process by the sheriff of the

1 county in which the parent was last known to reside made not less
2 than 5 nor more than 14 days after issuance of the process certi-
3 fying that after diligent search the parent cannot be found
4 within the county.

5 (4) The judge of ~~probate~~ THE DOMESTIC RELATIONS COURT may
6 authorize an order nunc pro tunc regarding the date to appear on
7 the marriage license.

8 Sec. 2. Each application made under this act for a marriage
9 license shall be in the usual form and shall be accompanied by a
10 fee of \$3.00, \$2.00 of which the judge of ~~probate~~ THE DOMESTIC
11 RELATIONS COURT shall keep for services rendered, and \$1.00 of
12 which the judge of ~~probate~~ THE DOMESTIC RELATIONS COURT shall
13 forward to the state registrar for deposit in the state general
14 fund. The judge of ~~probate~~ THE DOMESTIC RELATIONS COURT, upon
15 the filing of an application under this act, shall perform the
16 marriage ceremony. If the applicant or either of the parties to
17 the marriage desires to have the marriage ceremony performed by
18 some person competent to perform the marriage ceremony other than
19 the judge of ~~probate~~ THE DOMESTIC RELATIONS COURT, the judge of
20 ~~probate~~ THE DOMESTIC RELATIONS COURT shall issue a written
21 permit to the person designated by the applicant or contracting
22 party directing that person to perform the marriage ceremony.
23 The party ~~so~~ designated, if competent to perform the marriage
24 ceremony under the laws of this state, may perform the marriage
25 ceremony, but a record shall not be made of the marriage, except
26 the record made by the judge of ~~probate~~ THE DOMESTIC RELATIONS
27 COURT under this act. Upon the performance of the marriage

1 ceremony, the party performing it shall return the marriage
2 certificate to the judge of ~~probate~~ THE DOMESTIC RELATIONS
3 COURT, who shall attach the license and certificate to the
4 application. The papers described in this section shall be exe-
5 cuted in duplicate, and the person performing the marriage cere-
6 mony shall deliver a certificate of the marriage to the parties.

7 Sec. 3. The judge of ~~probate~~ THE DOMESTIC RELATIONS COURT
8 shall file a complete set of all papers in each case in a private
9 file, and, within 10 days after the marriage, shall forward a
10 duplicate to the registrar appointed by the state director of
11 public health. The state director of public health shall file
12 the duplicate in a private file and record the filing in a pri-
13 vate register. The file in the ~~probate~~ DOMESTIC RELATIONS
14 court, and the duplicate and record in the state department of
15 public health, shall be open to inspection only upon the written
16 request and proper proof of identification of 1 or both of the
17 partners to the marriage, or upon the written order of a judge of
18 the circuit court of this state, and only for the use designated
19 in the order. The order shall be made only upon the written
20 request of the person or persons who were married under this act,
21 or if necessary for the protection of property rights arising
22 from or affected by the marriage.

23 Sec. 4. All knowledge of facts which shall come to the
24 judge of ~~probate~~ THE DOMESTIC RELATIONS COURT, state registrar,
25 or an agent or employee of the state registrar, the physician
26 endorsing the application, or a witness to the marriage under the
27 license issued under this act shall be privileged

1 communications. A violation of confidence by the judge of
2 ~~probate~~ THE DOMESTIC RELATIONS COURT, state registrar or an
3 agent or employee of the state registrar, the physician, or a
4 witness is a misdemeanor, punishable by a fine of not less than
5 \$25.00, nor more than \$100.00, plus the costs of prosecution,
6 and, in default of the payment, imprisonment for not more than 3
7 months. An editor, publisher, or proprietor of a newspaper or
8 publication within this state giving publicity to a license or
9 marriage performed under this act is guilty of a misdemeanor,
10 punishable by a fine of not less than \$50.00, nor more than
11 \$100.00, plus the costs of prosecution, and, in default of the
12 payment, imprisonment for not more than 30 days. In addition,
13 the editor, publisher, or proprietor shall be liable in an action
14 of libel to the parties married under the license. If the judge
15 of ~~probate~~ THE DOMESTIC RELATIONS COURT performing the marriage
16 ceremony under a license issued under this act neglects to make
17 proper return, the judge shall be fined, in addition to penalties
18 prescribed by the laws of this state, not more than \$50.00.

19 Section 2. (1) This amendatory act shall take effect
20 January 1, 1989.

21 (2) This amendatory act shall not take effect unless Senate
22 Bill No. _____ or House Bill No. 4788 (request no. 01706'87) of
23 the 84th Legislature is enacted into law.