

Legislative Analysis



MARRIAGE AND FAMILY PRESERVATION PROGRAM

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House Bill 5467 (Substitute H-1)
Sponsor: Rep. Joanne Voorhees

House Bill 5468 (Substitute H-2)
Sponsor: Rep. John Stahl

House Bill 5469 (Substitute H-1)
Sponsor: Rep. Lauren Hager

House Bill 5470 (Substitute H-2)
Sponsor: Rep. Barb Vander Veen

House Bill 5472 (Substitute H-3)
Sponsor: Rep. Ken Bradstreet

House Bill 5473 (Substitute H-1)
Sponsor: Rep. Lisa Wojno

House Bill 5474 (Substitute H-2)
Sponsor: Rep. John Gleason

Committee: Judiciary
First Analysis (5-18-04)

BRIEF SUMMARY: As a package, the legislation would:

- Allow couples who complete a premarital education program to receive a marriage license in three days from application;
- establish minimal criteria for a premarital education program;
- authorize certain providers to conduct the premarital education programs;
- establish a tax credit for program participants;
- require parties in a divorce, if children are involved, to complete a divorce effects education program and a questionnaire;
- require information regarding completion of a premarital education program on the marriage application and marriage certificate; and,
- expand the list of those exempted from regulation as a marriage and family therapist.

FISCAL IMPACT: The bills would have an indeterminate fiscal impact on local units of government and no fiscal impact on the state. County clerks could experience increased administrative costs due to the additional documentation required by the bills. House Bill 5468 would reduce income tax revenue by less than an estimated \$1.5 million on an annual basis. The fiscal impact would affect General Fund/General Purpose (GF/GP) revenue.

THE APPARENT PROBLEM:

Recent studies examining trends over the last few decades have shown a drastic decrease in the marriage rate (down by a third between 1970 and 1996), an increase in the number of cohabiting adults (a tenfold increase between 1960 and 1998), an increase in the

divorce rate (from 9 to 23 per 1,000 marriages between 1960 and 1980 and then declining before holding even at 20 per 1,000 marriages through 1998), and an increase in births to unmarried women (from 11 percent of all births in 1970 to 33 percent in 1994, and then leveling off through 1999). [Statistics provided by the U.S. Department of Health and Human Services in a draft report entitled “Strengthening Healthy Marriages: A Compendium of Approaches”, September 2002.]

Roughly speaking, first-time marriages have a 40–50 percent chance of failing and 25 percent of adults experience a divorce at some point in their lifetimes. Almost four out of every ten children will experience the divorce of their parents [from a Center for Law and Social Policy (CLASP) brief entitled “Are Married Parents Really Better for Children?”, Brief No. 2, May 2003]. According to the CLASP brief, children who experience divorce have more immediate effects such as serious social, emotional, or psychological problems than children of intact families (25 percent compared to 10 percent) and lifelong effects such as higher rates of depression and their own divorces, in addition to decreased earning potential and lower levels of education.

Meanwhile, other studies support the assumption that married people experience lower death rates, are physically and mentally healthier, are less likely to abuse alcohol and controlled substances, have greater financial well-being, and experience lower rates of domestic violence. Benefits are measurable for children of intact families as well, with better physical and mental health, less child abuse, higher levels of education, less criminal behavior, more stable marriages in adulthood, and greater career success (U.S. Department of Health and Human Services report cited earlier).

In addition to the physical, emotional, and mental toll on adults and children experiencing divorce, a recent preliminary report on a study conducted at Utah State University reveals that direct and indirect costs to the federal and state governments (e.g., child support enforcement, Medicaid costs, and Temporary Assistance to Needy Families) exceed \$33 billion every year.

Such statistics have not escaped the view of policymakers. Since the early to mid- 1990s, every state has adopted at least one initiative intended “to promote marriage, strengthen two-parent families, or reduce divorce”. (“Beyond Marriage Licenses: Efforts in States to Strengthen Marriage and Two-Parent Families”, Ooms, T., CLASP, April 2004.) Though the approaches taken by the states are diverse, there appears to be considerable interest in premarital education programs. Premarital education programs vary widely in program design and little research has been conducted to track their effectiveness over a long period of time. However, the studies that have been done do show positive outcomes for participants in the short term, especially in the areas of improved communication, conflict management skills, and overall relationship quality – characteristics known to improve marital satisfaction. (“Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research”, *Family Relations*, Vol. 52, No. 2, pp. 105-118, 2003.)

Several states have already changed their laws to either require couples to attend a premarital education program or provide financial incentives to do so. Some believe that Michigan's marriage laws should likewise be amended to encourage participation in premarital education programs.

THE CONTENT OF THE BILLS:

Four of the bills, House Bills 5467, 5469, 5473, and 5474 would require a premarital education program to emphasize skill-building strategies and to include, at a minimum, conflict management, communication skills, financial matters, and if the couple has or intends to have children, child and parenting responsibilities. The program would have to be at least four hours long and be conducted by a licensed professional counselor, licensed marriage and family therapist, licensed or limited licensed psychologist, certified social worker or social worker licensed or registered under the Public Health Code, psychiatrist, or an official representative of a religious institution.

A more detailed description of each bill follows.

House Bill 5467 would amend Public Act 128 of 1887, the marriage license act (MCL 551.102 et al.). Under current law, there is a three-day wait for marriage licenses after application, unless the county clerk ("for good and sufficient cause shown") decides to deliver the license immediately after application. The bill would require a man and a woman who intended to apply for a marriage license to either complete a program in premarital education, or, in the alternative, wait 28 days rather than three for the delivery of the marriage license.

Completion of a premarital education program would have to be verified by: 1) a statement to that effect in the marriage application sworn statement; and 2) filing with the application a certificate of completion from the program administrator. A county clerk would be prohibited from issuing a marriage license to an individual who failed to sign and file a marriage application that included a statement with a check-off box indicating that both parties had or had not received pre-marital education.

In addition, if either party to the marriage was younger than 18 years old (unless the person was an emancipated minor), both parties applying for the license and at least one parent or guardian of each party who was a minor would have to complete the premarital education program (or wait the additional time for a license).

However, despite these provisions, the bill would retain the option of the county clerk to deliver a license immediately for good and sufficient reason shown.

A program provider could offer a fee schedule to accommodate families of various financial means, including allowing participation by indigent individuals for no fee. Payment for such a program would be made directly to the program provider.

Further, a marriage license currently is void unless the marriage is solemnized within 33 days after the application. This would still apply to licenses issued to those who completed a premarital education program and those to whom a license was immediately issued for good and sufficient reason. Licenses issued to couples who did not complete a premarital education program would be void if the marriage were not solemnized within 58 days after the application.

The bill would take effect October 1, 2004.

House Bill 5468 would amend the Income Tax Act (MCL 206.269) to provide qualified taxpayers with a nonrefundable credit against the income tax that is equal to the cost paid during the tax year for a premarital education program, up to \$50. A “qualified taxpayer” would be a taxpayer or taxpayers who attended a premarital education program during the tax year in which a credit under the bill was claimed. If separate returns are filed by the program participants, only one of the taxpayers could claim the credit. If the taxpayers filed a joint return, the maximum credit for that joint return would be \$50. A qualifying premarital education program would be a marriage program that met the requirements proposed in House Bill 5469. The credit would be available for tax years that began after December 31, 2003. The bill is tie-barred to 5469.

House Bill 5469 would add a new section to Public Act 128 of 1887 (MCL 551.112), which sets the legal age for marriage and the requirement of a marriage license, to establish criteria for a qualifying premarital education program. The bill would specify that if the parties to a marriage attend and complete a qualifying premarital education program, they could claim the income tax credit proposed under House Bill 5468.

(Note: The bill would allow a social worker or certified social registered under Section 18509 or 18511 of the Public Health Code to conduct a premarital education program. However, under provisions of Public Act 61 of 2004, the current system of registration will end and be replaced with a requirement for all social workers to be licensed as of July 1, 2005.)

House Bill 5470 would amend Chapter 84 of the Revised Statutes of 1846, entitled “Of divorce” (MCL 552.5 and 552.5a), to require that, unless exempted or excused, the parties to a divorce complete a divorce effects educational program and a questionnaire before the entry of the judgment of divorce, if there are minor children (or if the wife is pregnant and the husband would be considered the child’s father under the law).

The questionnaire, as prescribed in the bill, would have to be completed prior to completing a divorce effects program. Questions would include: whether the divorce would 1) improve, maintain, or diminish such things as the love between the parties involved and the child; the capacity of the parties to provide the child with food, clothing, or medical care; the mental and physical health of the parties involved; the school and community record of the child; and the willingness and ability of each of the parents to facilitate and encourage a close and continuing parent and child relationship between the child and the other parent; 2) upset a stable, satisfactory living arrangement for the child

involved; 3) result in a suitable living arrangement for the child; or, 4) reduce domestic violence or mental anguish of any of the parties involved.

The divorce effects program would have to cover at least all of the following subjects:

- The child's (or children's) developmental stages, responses to divorce, symptoms of maladjustment to divorce and response to maladjustment, and education or counseling options for the child or children.
- The adult parties' communication skills; conflict resolution skills; emotional adjustment, family adjustment, financial adjustment, and work adjustment techniques; stress reduction; parallel and cooperative parenting techniques; reconciliation and counseling options, and remarriage issues; and substance abuse information and referral.
- Court procedure and process as described in information available from the Friend of the Court.

A divorce effects program could be conducted by a licensed professional counselor, licensed marriage and family therapist, licensed or limited licensed psychologist, certified social worker or social worker licensed or registered under the Public Health Code, psychiatrist, an official representative of a religious institution, or by court or friend of the court personnel. If conducted by a representative of a religious institution, the program could omit any of the required subject matter if training or education on that matter would violate a tenet of the religious institution. The provider of a program would have to issue a certificate indicating completion of the program to each individual who completed the program.

A program provider could offer a fee schedule to accommodate families of various financial means, including allowing participation by indigent individuals for no fee. Payment for such a program would be made directly to the program provider.

The court would be prohibited from ordering a divorce effects program if a party to the marriage filed a sworn statement that he or she was a victim of domestic violence. Further, the court could otherwise excuse a party from attending a program for good cause, including, but not limited to, availability of the program or the party's ability to pay. A party who was not excused or exempted under this provision and who failed to complete the program could be held in contempt or be subject to another reasonable sanction imposed by the court. The court could also enter a judgment of divorce despite the party's failure to complete a divorce effects program.

The bill would define "domestic violence" as an act inflicting bodily injury, causing serious emotional injury or serious psychological trauma, or placing in fear of imminent physical harm by threat or force a person who was a spouse or former spouse or who had or had had a dating relationship with, resided with, or had a child in common with the person committing the violence.

House Bill 5472 would amend Chapter 84 of the Revised Statutes of 1846, entitled “Of divorce” (MCL 552.45). Currently, each complaint for an action for divorce must list the names and ages of children of the marriage. If there are children under 17 years of age, a copy of the summons must be served on the county prosecutor, except, in counties with a population of 500,000 or more, the summons could be served on either the prosecutor or the Friend of the Court (FOC). Instead, the bill would allow (as opposed to require) the summons to be served on the county prosecutor or, in the case of larger counties, the Friend of the Court.

In addition, current law requires the county treasurer to pay the prosecuting attorney \$5 for each divorce case that he or she investigates. The bill would eliminate this requirement.

House Bill 5473 would amend Public Act 128 of 1887 (MCL 551.504), which establishes age and license requirements for marriage, to require notification on the marriage certificate whether both parties received premarital education.

Based upon information provided by the parties, the cleric or magistrate who officiated at the marriage would have to fill in the appropriate space on the certificate indicating whether or not the parties had received premarital education. The parties would have to verify completion of the premarital education program by a sworn statement to that effect in the license or certificate. The bill would also make several editorial changes to update language in the act.

House Bill 5474 The bill would amend Part 169 of the Public Health Code, entitled “Marriage and Family Therapy” (MCL 333.16901 et. al.), to expand the list of individuals exempted from regulation as a marriage and family therapist.

The Public Health Code regulates the profession of marriage and family therapy, but excludes certain individuals from regulation as a marriage and family therapist. Currently, Part 169 does not apply to an ordained cleric or other religious practitioner who is employed by or working under the authority of certain tax-exempt charitable organizations. The bill would revise the provision to specify that it would not apply to a service provider who was an ordained cleric or other religious practitioner who provided advice, guidance, or teaching based on his or her religious beliefs, creeds, or doctrines who also did not hold himself or herself out to the public as a marriage and family therapist or use any of the titles reserved under the code for licensed marriage and family therapists. The bill would add that Part 169 would not prohibit a service provider from accepting a voluntary contribution.

The bill would also add that Part 169 would not apply to an ordained cleric or other religious practitioner who had been authorized by law to officiate at a marriage if he or she provided, in writing, an affidavit clearly stating that he or she was a member of the clergy or was a religious practitioner, was not a licensed marriage and family therapist under the code, did not use one or more of the titles reserved under the code for licensed

marriage and family therapists, and that the advice, guidance, or teaching was based on his or her religious beliefs, creeds, or doctrines.

Further, Part 169 defines the term “advertise” to mean issuing or ordering the printing or distribution of a card, sign, or device; placing signs or markings on or in a building; or placing material in a newspaper, magazine, or directory or on radio or television. The bill would add that “advertise” would not include unpaid public awareness campaigns or educational or promotional materials by individuals exempted from Part 169 by Section 16905. Similarly, the bill would specify elsewhere that Part 169 would not prohibit an individual exempted from regulation by Section 16905 from issuing unpaid public awareness campaigns or educational or promotional materials.

Lastly, the bill would revise the definition of “practice of marriage and family therapy” to include services provided to individuals.

ARGUMENTS:

For:

There is growing evidence to support the contention that encouraging and strengthening marriages is beneficial for the couple and for the community. For example, research shows a connection between marriage and better physical and mental health, greater financial stability, lower rates of domestic violence, and fewer problems with alcohol and substance abuse than for people who are not married. Strangely, the benefits of marriage do not appear to be associated with cohabitation. Couples in cohabiting relationships experience higher rates of domestic violence and less financial and emotional well-being than married couples. In addition, recent polls reveal that a long-term marriage is one of the top goals of teenagers and young adults.

However, statistics reveal that marriage rates have been declining for decades, while divorces and cohabitations are increasing. Since the mid-1990s, there have been many governmental, community, and faith-based initiatives to strengthen and preserve marriages. Some states have reduced marriage license fees for couples who participate in marriage education or premarital counseling, three have adopted covenant marriage laws which make divorces more difficult to obtain for couples electing to enter into a covenant marriage, a few states offer a marriage incentive to welfare recipients, some forgive child support arrearages when the parents marry, and most states have revised eligibility criteria for Temporary Assistance for Needy Families (TANF) to include two-parent families. In addition, there are several nationally recognized curricula for teaching relationship and marriage education to middle and high school students and many, if not most, churches require some type of premarital counseling or coursework as a condition for marriage for members or couples wishing to use the church facilities.

The initiative that seems to be garnering the most interest is premarital education. Though there have been few studies on the beneficial effects on marriage provided by participation in such programs (and no long term studies), the initial studies do seem to support the contention that marriages can be strengthened by participation in a well-

designed premarital education program. The programs that appear to generate the most benefits are skills-based and include training in better communication and conflict resolution; components that programs created under the bill package would have to incorporate. Learning better communication skills and how to deal with and diffuse conflict is known to increase satisfaction in marriage, and greater satisfaction in marriage is associated with a reduced risk of divorce. Also, some research shows that couples who attend a premarital education program are more likely to seek help in the future if problems develop in the marriage. Therefore, it is believed that encouraging people to participate in an education program prior to their marriage may enable them to develop the skills necessary to develop and maintain a strong and healthy marriage.

For:

House Bill 5467 would not mandate participation in a premarital education program, but rather creates an incentive to do so by delaying issuance of a marriage license for those who choose not to attend and complete a program. For those couples who do complete a program that meets the minimum criteria specified in the bill, and that is conducted by one of the authorized professionals, a license will be issued in three days, as opposed to 28 days without completion of a program.

The 28 day wait for couples choosing not to attend a premarital education program should not pose a hardship as many weddings are planned out months and even years ahead of time. The longer wait, however, may discourage some “hasty” (and potentially unhealthy) unions by providing a cooling-off period during which, hopefully, the decision to marry will be considered seriously and thoughtfully.

For:

To help defray the cost of attending a premarital education program, House Bills 5468 and 5469 would enable a couple filing jointly to recoup up to \$50 of the cost of the program as a tax credit. If filing separately, only one party could claim the credit. Further, if a couple called off the wedding after participating in a program (whether by coincidence or by realizing they were not yet ready or well-suited for the commitment of marriage), one of them could still claim the tax credit for the year in which the program was attended.

Response:

The tax credit sounds like a good idea, but for low-income individuals, the tax credit may only cover a portion of the total cost of a premarital education program. According to statistics, low-income individuals are more likely to cohabitate than marry. Therefore, the cost to attend a premarital education program could present yet another barrier to marriage for some individuals, and the cost of a divorce effects programs on low-income couples with minor children could be an additional barrier to leaving an unhappy or unhealthy marriage. In addition, is it wise to reduce tax revenue even more when the state has had several years in a row of serious budget shortfalls?

Rebuttal:

Though the bill package does not require program administrators of premarital educational programs or divorce effects programs to provide free classes for low income persons, it does contain language to encourage free classes for the indigent and for fee

schedules that accommodate the various income levels of individuals and families. As for the reduced tax revenue for the state, the amount is estimated to be relatively small - \$1.5 million or less – and therefore is not expected to prove a financial hardship for the state, even given the recent and current budget woes. According to a Utah State University study, with about 39,377 divorces a year times a cost of \$30,000 per divorce, the estimated cost of divorce to the state of Michigan is approximately \$1.2 billion a year (also included in this figure are federal program costs). The combination of encouraging participation in premarital education programs and requiring divorce effects programs for couples with minor children may result in costs savings if some marriages are made stronger and healthier and if negative effects on children of divorce are reduced.

For:

House Bill 5470 would require parents or custodians of minor children to attend a divorce effects program and fill out a questionnaire regarding the effects of divorce on children before a court could issue a divorce. This is not an attempt to legislate love, nor is it meant to create obstacles to prevent or discourage couples from divorcing. It does recognize, however, that children of divorce can suffer physical, emotional, social, financial, and psychological effects long into adulthood and therefore seeks to find a way to mitigate some of those deleterious effects.

All too often when marriages suffer distress and begin to dissolve, the children can either be almost forgotten or used by one parent to manipulate or punish the other. Is it any wonder that studies show that children of divorce suffer higher rates of depression and behavioral problems and less career and financial success in adulthood than their counterparts who were raised by married parents?

Under the bill, parents seeking a divorce would be educated about the responses to divorce exhibited by many children, how to recognize signs that the child is not adjusting well to the divorce, and counseling options for the child. In addition, the programs would have to include instruction to build communication and conflict resolution skills. Hopefully, such instruction would reduce the hurtful exchanges so common during these difficult situations and help the parents to learn ways to minimize any damaging effects on the children. In addition, the questionnaire that parents would have to complete could also help promote healthier interactions between the parties by encouraging them to seek ways to handle aspects of the divorce so that their relationships with the children, and the level of care and nurturing provided to the children, are at least maintained and not diminished.

Yes, some may interpret the provisions of the bill that require a divorce effects program to include reconciliation and counseling options and remarriage issues as an attempt to discourage divorce. Well, for those marriages that are still yet reparable, these components may provide the hope and skills needed to salvage the marriage and set it on a course of recovery. Considering the impact on the well-being of the children involved and the measurable costs to state and local governments (and therefore to all taxpayers) of divorce, perhaps a little encouragement to stay married isn't a bad policy.

After all, the Utah State University study found that the “average divorce” cost state and federal governments \$30,000 in direct (child support enforcement, TANF funds, Medicaid, food stamps, etc.) and indirect (criminality and correctional costs, substance abuse treatments, delinquency, and taking care of single elderly persons) costs, not to mention costs to employers with lost work productivity. (For more information, go to www.UtahMarriage.org and access the report entitled “The Costly Consequences of Divorce in Utah”.)

Obviously, some marriages cannot be saved, and studies also show negative effects on children raised in families where the marriage is not healthy. Also, the bill does recognize the importance for a parent to leave an abusive marriage and therefore would prohibit a court from ordering participation in a divorce effects program if a sworn statement stating abuse was filed by the parent who was the victim of the abuse.

For:

House Bill 5472 would revise an out-of-date and rarely used provision of law that requires a prosecutor to enter an appearance at every divorce that involves minor children and introduce evidence at the hearing and oppose a divorce decree if he or she believes the divorce not to be in the child’s best interest. Instead, the bill would make action by the prosecutor permissible rather than being a mandate. The vast majority of divorce cases do not necessitate involvement on the part of the prosecutor. However, there may be situations where a prosecutor may feel strongly that the children would be better served if the divorce were denied and so should retain the option to be involved.

In addition, the statute currently requires the court to pay the prosecutor \$5 for each case he or she investigates and appears in. The bill would eliminate this provision and thereby allow the courts and county prosecutors to establish their own system of compensation.

For:

House Bill 5467 would require marriage application forms to have a check-off box indicating whether the couple did or did not complete a premarital education program and House Bill 5473 would require a marriage certificate to have a space where the couple could verify by a sworn statement that they had completed such a program. These provisions would provide a means to track the numbers of married couples that completed a premarital education program. In future years, the data can be used to measure the effects, if any, that attending premarital education programs has on stemming the divorce rate. If widespread, positive benefits are able to be connected to this bill package, then it may be prudent for the state to explore other low-cost and non-intrusive means to strengthen marriages.

For:

The Public Health Code defines the “practice of marriage and family therapy” as, among other things, providing services to resolve, eliminate, relieve, etc. marital or family conflict and to improve marital and family harmony. Where therapists typically counsel couples or families, there are situations in which a therapist may work with only one party in a marriage or one family member. However, the code does not currently

authorize a family and marriage therapist to provide services to an “individual”. House Bill 5474 would correct this oversight.

The health code also exempts certain individual who also provide some forms of counseling to couples and families from being licensed as a marriage and family therapist. The bill would revise a provision that pertained to ordained clerics and religious practitioners so that retired clergy could still, on occasion, provide some counseling services without needing licensure as a marriage and family therapist as long as the advice, guidance, or teaching given was based on the cleric’s religious beliefs, he or she did not hold himself or herself as a licensed marriage and family therapist, did not use one of the protected titles, and did not charge a fee for his or her services, though a free-will offering could be accepted.

Similarly, ordained clerics and religious practitioners who are authorized by law to officiate at marriages may also provide services to individuals and families if they also do not use any of the protected titles, base the advice and guidance on their religious beliefs and doctrines, and provide a written affidavit that he or she is a member of the clergy and not a marriage and family therapist.

These provisions are simply meant to clarify which professionals who also provide some type of counseling services to families and couples do not have to be licensed as a marriage and family therapist. Marriage and family therapists would be authorized under the bill package to conduct premarital education and divorce effects programs, but the professionals exempted under the code from licensure as a marriage and family therapist could only conduct those programs if they also met the definition of an authorized provider. For instance, an official representative of a religious institution could conduct a program, but an unofficial representative – such as a retired clergy person, could not. Though it may seem unfair to exclude as a program provider retired clergy, it was important to ensure that only clergy currently under the supervision and authority of the church conducted the programs. This would eliminate the possibility that unfit clergy or persons who received ordination from the Internet or mail-order sites could not use the legislation to set themselves up in business as providers of premarital education programs.

Lastly, the bill would clarify that the definition of “advertise” would not include unpaid public awareness campaigns or educational or promotional materials distributed by individuals exempted from licensure as a marriage and family therapist, and that these exempted individuals could distributed such materials and campaigns without violating prohibitions in the health code.

Against:

According to the American Civil Liberties Union, data collected from Florida for the two years following the enactment of similar legislation revealed no impact on the rates of divorce. In addition, there are no long term studies that prove that premarital education programs have any long-term benefits at all. Program designs can vary so greatly, and where some could be beneficial, others may be a waste of time and money for program

participants. In addition, other preliminary studies have shown some improved levels of satisfaction in the marriage relationship for program participants for the first three years or so, but by five years, there was no difference between those couples who did or did not attend a premarital education program. With no data to support that this approach strengthens marriages in the long term, it can only be viewed as an attempt by the religious right to impose their beliefs and values on society at large.

Rebuttal:

Many, if not most, divorces occur between the third and fifth year. Therefore, looking at data at just two years out will not give an accurate determination as to the beneficial effects of completing premarital education programs.

Against:

House Bill 5467 would require a certificate of completion of a premarital education program to be included with the marriage license application, House Bill 5468 would allow couples completing a “qualified” program to receive a tax credit, and House Bill 5473 would require the clergy person officiating at the wedding to fill in a space on the marriage license that the couple had or had not completed a program (and the couple would have to sign a sworn statement on the certificate or license that they had indeed completed a program).

However, the bill package does not contain any means of verifying whether a program meets the criteria for a “qualified” program, no way to verify that the program provider was indeed one of the “authorized” providers, or that the couple is telling the truth that they completed such a program. Will the Department of Treasury maintain a data base of all licensed individuals authorized to conduct the program as well as a data base of all “official representatives of a religious institution” to know if the person claiming a tax credit really meets the criteria?

And what about county clerks? They are not supposed to issue a 3-day marriage license unless the couple has completed a “qualifying” program conducted by an “authorized” provider. How are they to know if the program certificate handed to them by the couple was from a program that met all the criteria or had been conducted by the right type of provider? And, what is to prevent a couple from using desktop publishing software to print up a fake certificate in order to avoid the 28-day wait, or even lying on the marriage license and certificate and tax form? While that would be perjury, how would those individuals be caught? There would be no way to enforce these provisions, and no way to verify the validity of the programs, providers, or tax credit claims. Therefore, it would be difficult even to verify the benefits or the lack thereof of program participation.

POSITIONS:

A representative of the Friend of the Court Association indicated support for the bills. (5-4-04)

A representative of the Michigan Family Forum indicated support for the bills. (3-30-04)

A representative of the Michigan Catholic Conference indicated support for the bills. (5-3-30)

The National Family Justice Association is generally supportive of the bills. (3-30-04)

A representative of the Family Law Council indicated support for House Bills 5467 and 5473 and opposition to House Bills 5468-5470, 5472, and 5474. (5-4-04)

A representative of the Michigan Counseling Association indicated a neutral position on the bills. (5-4-04)

A representative of the Michigan Association for Marriage and Family Therapy indicated a neutral position on the bills. (5-4-04)

A representative of the Michigan Coalition Against Domestic and Sexual Violence indicated opposition to House Bill 5470. (5-4-04)

A representative of the American Civil Liberties Union/Michigan Chapter indicated opposition to the bills. (5-4-04)

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■ 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.