



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1255 (Substitute S-2)
Senate Bill 1256 (Substitute S-2)
Sponsor: Senator Margaret E. O'Brien (S.B. 1255)
Senator Rick Jones (S.B. 1256)
Committee: Judiciary

Date Completed: 12-4-18

CONTENT

Senate Bill 1255 (S-2) would amend Public Act 180 of 1897, which governs the issuance of marriage licenses and certificates, to delete provisions allowing a person under marriageable age to consent to the contract into a marriage with the written consent of his or her parents or legal guardian.

Senate Bill 1256 (S-2) would amend Public Act 128 of 1887, which requires parties to be married to obtain a marriage license and establishes the minimum age to contract into a marriage, to do the following:

- Delete a provision allowing a person who was 16 years of age, but less than 18 years of age to contract into a marriage with the written consent of one of his or her parents or legal guardian.
- Prohibit a clerk from issuing a marriage license to a person if it appeared that the person was under 18 years of age.
- Revise the population requirement for a county that wished to impose a marriage license fee or nonresident marriage license fee, different in amount than the license fees specified in the Act.

Each bill would take effect 90 days after its enactment.

Senate Bill 1255 (S-2)

Public Act 180 allows a probate judge to marry a person under marriageable age, as provided in Section 3 of Public Act 128 of 1887, if a marriage application is accompanied by one of the following:

- A written request of all the biological or adopting living parents of both parties, and their guardian or guardians if either or both of the parents are dead.
- A written request of the parents or guardians of the party under marriageable age if only one party to the marriage is under the marriageable age.

If a noncustodial parent has been given notice of a request for consent by personal service or registered mail at his or her last known address, and he or she fails to enter an objection within five days after receiving the notice, then the consent must be required only of a parent to whom custody of the child has been awarded by a court. The consent may not be required of a parent confined in a State or Federal penal institution, or confined in a mental health hospital under adjudication of legal incapacity by a court of competent jurisdiction, or upon the return of process by the sheriff of the county in which the parent was last known to reside

made not less than five, but not more than 14 days after the issuance of a process certifying that after diligent search the parent cannot be found within the county.

The bill would delete these provisions.

Senate Bill 1256 (S-2)

Parental Consent for Marriage

Public Act 128 requires all parties to be married to obtain a marriage license from the county clerk of the county in which either party resides. A party applying for a marriage license must make and file an application in the form of an affidavit with the county clerk as a basis for issuing the license.

Section 3 of the Act specifies that a person who is 18 years of age or older may contract into a marriage. A person who is 16 years of age, but less than 18 years of age may contract into a marriage with the written consent of one of his or her parents or legal guardian. As proof of age, the person who intends to be married, in addition to the statement of age in an application for a marriage license, when requested by a county clerk, must submit a birth certificate or other proof of age. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is under 18 years of age, the county clerk must require the written consent of one of the parents of each person under 18 years of age, or of the person's legal guardian, unless the person does not have a living parent or guardian.

The bill would delete the provisions allowing a person who was under 16 years of age, but less than 18 years of age to contract into a marriage with written consent of one of his or her parents. Instead, under the bill, if it appeared from an affidavit that either the applicant for a marriage license or the person whom he or she intended to marry was under 18 years of age, the county clerk could not issue a marriage license to that person.

Marriage License Fee

Under the Act, a person applying for a marriage license must pay a \$20 fee, which a county clerk must pay into the county's general fund. If both parties to an application for a marriage license are nonresidents of the State, the person applying for the license must pay an additional \$10 fee.

A charter county that has a population of over 2.0 million may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fees described above.

The bill would revise the population threshold from 2.0 million to 1.5 million.

MCL 551.201 (S.B. 1255)
551.301 (S.B. 1256)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Ellyn Ackerman
Abbey Frazier