

## SUMMARIES OF CERTAIN MICHIGAN MARRIAGE LAWS

### R.S. 1846, Chap. 83 (Amended by Act No. 44, P.A. 1956, Act No. 324, P.A. 1996)

SECTION 1. Section 2 of chapter 83 of the Revised Statutes of 1846, being section 551.2 of the Compiled Laws of 1948, is hereby amended to read as follows:

SEC. 2. Marriage, so far as its validity in law is concerned, is a civil contract, to which the consent of parties capable in law of contracting, is essential. Consent alone will not be enough to effectuate a legal marriage from and after January 1, 1957. Consent must be followed by the issuance of a license as provided for by section 1 of Act No. 128 of the Public Acts of 1887, as amended, being section 551.101 of the Compiled Laws of 1948, or as provided for by section 1 of Act No. 180 of the Public Acts of 1897 as amended, being section 551.201 of the Compiled Laws of 1948, and solemnization, as authorized by sections 7 to 18, inclusive, of this act,

SEC. 3. No man shall marry his mother, grandmother, daughter, granddaughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, nor his sister, brother's daughter, sister's daughter, father's sister, mother's sister, or cousin of the first degree, or another man.

SEC. 4. No woman shall marry her father, grandfather, son, grandson, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, nor her brother, brother's son, sister's son, father's brother, mother's brother, or cousin of the first degree, or another woman.

SEC. 5. No marriage shall be contracted whilst either of the parties has a former wife or husband living, unless the marriage with such former wife or husband shall have been dissolved.

SEC. 6. No insane person, idiot, or person who has been afflicted with syphilis or gonorrhoea and has not been cured of the same, shall be capable of contracting marriage. (This section further restricts the list of those who may intermarry by prohibiting the marriage of feeble-minded, imbeciles or insane persons who have been confined as such in any public institution, without a certificate from two physicians that there is no probability of transmitting their defects to their offspring.)

ACT NO. 128, P.A. 1887 (Amended by Act No. 37, P.A. 1951, Act No. 31, P.A. 1953, Act no. 112, P.A. 1963, Act No. 23, P.A. 1967, Act No. 304, P.A. 1968, Act No. 104, PA. 1975, Act No. 65, P.A. 1981 and Act No. 270, P.A. 1989)

### **Marriage: minimum age; proof; license; application, consent for underage applicant.**

SEC. 3. (1) Every person who becomes 18 years of age shall be capable by law of contracting marriage. Every person who becomes 16 years of age but is less than 18 years of age shall be capable of contracting marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the party to the intended marriage, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age ... when it appears from the affidavit that either the applicant is applying for a license for the marriage to a person who has not become 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian to the marriage and to the issuing of the license for which application is made. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths unless the person does not have a living parent or guardian. A license shall not be issued by the county clerk until the requirements of this section are complied with ...

SEC. 3a. (1) A license to marry shall not be delivered within a period of 3 days including the date of application. However, the county clerk of each county, for good and sufficient cause shown, may deliver the license immediately following the application. A marriage license issued shall be void, unless a marriage is solemnized thereunder, within 33 days after the application.

### **ACT NO. 491, RA. 1988 (Amended by Act 209, RA. of 2000)**

**Sec. 5119.** (1) An individual applying for a marriage license shall be **advised through the distribution of written educational materials by the county clerk regarding prenatal care and the transmission and prevention of venereal disease and HIV infection. The written educational materials shall describe the availability to the applicant of tests for both venereal disease and HIV infection. The information shall include a list of locations where HIV counseling and testing services funded by the department are available. The written educational materials shall be approved or prepared by the department.**

(2) A county clerk shall not issue a marriage license to an applicant who fails to sign and file with the county clerk an application for a marriage license that includes a statement with a check-off box indicating that the applicant has received the educational materials regarding the transmission and prevention of both venereal disease and HIV infection and has been advised of testing for both venereal disease and HIV infection, pursuant to subsection (1).

(3) If either applicant for a marriage license undergoes a test for HIV or an antibody to HIV, and if the test results indicate that an applicant is HIV infected, the physician or a designee of the physician, the physician's assistant, the certified nurse midwife, or the certified nurse practitioner or the local health officer or designee of the local health officer administering the test immediately shall inform both applicants of the test results, and shall counsel both applicants regarding the modes of HIV transmission, the potential for HIV transmission to a fetus, and protective measures.