

PRIVATE FILINGS OF MARRIAGE RECORDS

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House Bill 4802 as introduced
Sponsor: Rep. Triston Cole
Committee: Families, Children, and Seniors
Complete to 9-28-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The Act to Provide for the Issuance of Marriage Licenses and Certificates Without Publicity allows a judge to marry a couple privately if for a good reason, or if either, or both, of the parties is under 18 years old, but is at least 16 and with parental consent. The Act requires the judge to file a complete set of all papers in a private file and, within 30 days, forward a duplicate to the registrar.

House Bill 4802 would amend the Act to allow parties to a private marriage, once they are both over 18, to petition the court to unseal the record of their marriage. If the court receives a petition, it would have to unseal the record upon finding all of the following:

- The petitioners were married privately.
- The petitioners are both over 18 years of age at the time of filing the petition.
- Both of the petitioners wish to unseal the record of the marriage.

If a party to a private marriage is deceased and the surviving party is 18 years of age or older, he or she could petition the court to unseal the record.

Upon entering an order, the court would be required to forward a copy of the license and certificate of marriage to both the county clerk in the county of issuance and the state registrar.

Under the bill, access to an unsealed record of marriage would be the same as access to a vital record provided under part 28 of the Public Health Code.

The Act provides that all knowledge of fact that come to a judge, registrar, physician, or witness related to a private wedding is privileged communication, and provides a fine for a violation of this confidence or for a newspaper publicizing a private wedding. The bill provides that this section would not apply to a marriage license that is unsealed under the Act.

MCL 551.203 and 551.204

FISCAL IMPACT:

HB 4802 would have an indeterminate fiscal impact on the state and local court funding units and would depend on how provisions of the bill affected court caseloads and the related administrative costs.

The bill could have a negligible fiscal impact on the Department of Health and Human Service, state registrar and vital records office, related to the administrative costs of record changes in the private and public registries for marriage records affected by the bill.

The bill would have a negligible fiscal impact on county clerks related to the administrative costs of record changes in the public registry for marriage records affected by the bill.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.