

Legislative Analysis



PREMARITAL EDUCATION

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House Bill 5699
Sponsor: Rep. Jerry O. Kooiman

House Bill 5703
Sponsor: Rep. Lisa Wojno

House Bill 5700
Sponsor: Rep. John Stahl

House Bill 5702
Sponsor: Rep. John Gleason

Committee: Family and Children Services
Complete to 3-15-06

A SUMMARY OF HOUSE BILL 5698-5700, 5702 AND 5703 AS INTRODUCED 2-16-06

The bills would amend several acts to address the subject of marriage and premarital education.

House Bill 5699 would amend the Marriage License Act (MCL 551.102 et al.) to establish criteria for premarital education programs and provide an incentive for couples to complete such a program. A man and a woman who did not together complete a premarital education program would have a longer waiting period for a marriage license to be issued. The bill does not intend to apply to couples when both are 50 years of age or older.

House Bill 5700 would amend the Income Tax Act (MCL 206.269) to provide qualified taxpayers with a nonrefundable credit against the income tax equal to the cost paid during the tax year for a qualified premarital education program, up to \$50 per couple. The program would have to meet the requirements established in House Bill 5699.

House Bill 5702 would amend the Public Health Code (MCL 333.16901 et. al.) to revise the list of individuals exempted from regulation as a marriage and family therapist.

House Bill 5703 would amend the Marriage License Act (MCL 551.104) to require that a marriage certificate indicate whether or not the parties had received premarital education. Parties that had received premarital education would verify that by a sworn statement in the license or certificate.

The bills are all tie-barred to one another, meaning none could take effect unless all were enacted.

Following is a more detailed description of the bills.

House Bill 5699 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 retain this provision for a couple that had not undergone a premarital education program but would allow a couple that had undergone premarital education to obtain a license immediately following application.

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).

Completion of a premarital education program would have to be verified by: 1) a statement to that effect in the sworn statement in the marriage application; 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 whether or not both parties had received premarital education.

The bill would also 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 5700. The premarital educational program would have to meet the following criteria.

- Emphasize skill-building strategies and include at a minimum, include conflict management, communications skills, financial matters, and child parenting responsibilities (if the couple had or intends to have children).
- Be at least four hours in duration and be conducted by one or more of the following (1) a licensed professional counselor, licensed marriage and family therapist, licensed or limited licensed psychologist, licensed master's social worker, licensed bachelor's social worker, or social service technician; (2) a psychiatrist; and/or (3) an official representative of a religious institution.

An individual who provided a premarital education program could offer a fee schedule that accommodated families of various financial means, including allowing participation by indigent individuals for no fee. Payment for a premarital education program would have to be made directly to the program provider.

Currently, 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 did not complete a premarital education program. Licenses issued to couples who did complete a premarital education program would be void if the marriage were not solemnized within 58 days after the application.

House Bill 5702 would amend Part 169 of the Public Health Code, entitled “Marriage and Family Therapy,” 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 marriage and family therapists. 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 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 say 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.

FISCAL IMPACT:

House Bill 5700 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 Purposes (GF/GP) revenue.

The remaining bills would have an indeterminate fiscal impact.

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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.