

Marriages

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9.1 Overview

A. Authority

A district court magistrate is specifically authorized to perform or solemnize marriages within the district the magistrate serves. (MCL 551.7, MCL 600.8316)

A magistrate is not required to perform a wedding ceremony and may refuse to perform a marriage ceremony. The policy regarding this practice should be discussed with the chief judge.

Language barriers may play a role in a marriage ceremony, and an interpreter can assist in this situation. If you require appointments for marriage ceremonies, make arrangements for an interpreter or advise the parties to bring an interpreter. If an interpreter is unavailable or the need is not known until the appointment, the marriage ceremony can still be conducted if the parties understand enough English to comply with the basic requirements.

B. Requirements

1. License

Marriage is considered a civil contract. The consent of the parties capable of entering into a contract is essential. In addition, the parties must have a license and solemnization before the marriage is legal and valid. (MCL 551.2) The license issued by the county clerk is valid for 33 days from the date of issue. (MCL 551.103a)

a. Residents

If either party is a resident of Michigan, the resident must obtain a license from the county clerk of the county in which he or she resides. (MCL 551.101)

b. Nonresidents

Nonresidents of Michigan must apply for their marriage license in the county in which the marriage ceremony is to be performed. The parties should be referred to the county clerk to receive the appropriate information on how to apply for a marriage license.

It is a misdemeanor for a magistrate to perform a wedding ceremony when the parties do not have a valid marriage license. (MCL 551.106)

2. Witnesses

Two witnesses other than the officiating magistrate must be present at the ceremony. (MCL 551.9) Both of these witnesses must sign the marriage license indicating they witnessed the man and woman declare to take each other as husband and wife.

a. Age

Witnesses are required to be 18 years of age or older. (MCL 551.103[2])

b. Competency

Make sure the witnesses are competent in the event a question is ever raised about the validity of a marriage.

3. Script

Although the statutes do not require a specific script for a marriage ceremony, the statutes do require the parties to declare that they take each other as husband and wife. This joining declaration must be done in front of the magistrate and the two witnesses. (MCL 551.9)

C. Fees

A magistrate may only charge a \$10.00 fee for each marriage performed. The fee must be deposited in the county's (or control unit's) treasury. (MCL 600.8316) Accepting any compensation above the \$10.00 fee is a misdemeanor. If convicted of a misdemeanor, the magistrate shall be assessed treble damages and the violation shall be cause for forfeiture of appointment as a magistrate. (MCL 600.2513, MCL 600.2516, MCL 600.2519)

D. Records

The magistrate must keep an accurate record of all marriages performed in a book expressly used for that purpose. (MCL 551.104)

1. Certificate of Marriage

Once the ceremony is completed, the magistrate must complete the certificate of marriage. The date and place of marriage are required on the certificate, as well as the names and signatures of the individuals being married and the two witnesses. The individuals being married should sign their married names. The magistrate must sign the certificate, in addition to placing his or her business address on the certificate.

There are two sealed copies of the marriage license, the original and the duplicate. The duplicate is given to the parties.

2. Filing Certificate of Marriage

The magistrate must return the completed original marriage certificate to the issuing county clerk within 10 days from the date of the ceremony. If the original is not returned to the county clerk within that time period, the magistrate may be charged with a misdemeanor offense. (MCL 551.107)

3. Correcting Errors

1. Prior to Solemnization

Parties are generally required by most county clerks to verify the information on the certificate prior to printing or typing the marriage license, but errors still occur. These errors **cannot** be corrected on the face of the license prior to solemnization. In this situation, the license needs to be retyped.

2. After Solemnization

If the error is discovered after solemnization, the evidence of the error must be filed in the form of an affidavit to establish the facts of the error in order to allow the correction. This correction must be approved by the circuit court of the county by an ex parte order if the facts justify the correction. (MCL 551.111)

9.2 Procedures

9.2.1 Checklist for Marriage Ceremony

- Make sure parties have valid marriage license.
 - ✓ Check expiration date make sure license has not expired.
 - ✓ Make sure license is correct.
- Verify that parties are residents of Michigan.
 - ✓ If not, make sure license is issued by your county.
- Request proof of payment of \$10.00 fee.
- Make sure there are two witnesses present and they are 18 years of age or older.
- Read script.
- Make sure the parties recite the joining declaration.
- Have the individuals being married and the two witnesses sign the marriage certificate.
- Sign the marriage certificate.
- Give duplicate marriage certificate to parties.
- Record the ceremony in the book specifically used for that purpose.
- Return the original marriage certificate to the issuing county clerk within 10 days.

9.2.2 Marriage Scripts

Sample Script 1

TO THE GUESTS:

Friends, we are gathered here today to celebrate the joining of (groom's first name) and (bride's first name) in marriage. They are happy you are here to not only celebrate their wedding, but also that you have come here today, as friends and family, to be a special part of this moment in their lives . . . just as you have shared many other moments in each of their lives. The words they exchange today will be a reflection of the love that brought them together today, the love that will sustain their marriage in the future. Marriage is not only the union of two people, but a union of two hearts. No other human ties are more tender; no other vows are more sacred than those they will exchange today.

TO THE BRIDE AND GROOM:

Please join your rights hands. May the vows you say to one another build the foundation for a long and enriched life.

(Groom's first name), will you have this woman to be your wedded wife, to live together in the holy estate of matrimony? Will you love her, comfort, honor and keep her in sickness and in health, and forsaking all others, keep you only unto her, so long as you both shall live?

Answer: "I will."

(Bride's first name), will you have this man to be your wedded husband, to live together in the holy estate of matrimony? Will you love him, comfort, honor and keep him in sickness and in health, and forsaking all others, keep you only unto him, so long as you both shall live?

Answer: "I will."

(continued on next page)

(Sample Script 1 continued)**Repeat after me.**

I, (groom's first name) -- take you (bride's first name) -- to be my wife -- to love and to cherish from this day forward -- for better, for worse -- for richer, for poorer -- in sickness and in health -- so long as we both shall live.

I, (bride's first name) -- take you (groom's first name) -- to be my husband -- to love and to cherish from this day forward -- for better, for worse -- for richer, for poorer -- in sickness and in health -- so long as we both shall live.

Ring.

The wedding ring is an outward and visible sign of an inward and spiritual bond, signifying to all the uniting of this man and woman in marriage.

(Groom's first name), you may place the ring on (bride's first name) finger and **repeat after me:**

(Bride's first name), I give you this ring -- as a symbol of my love and affection -- and pledge my love now and always.

(Bride's first name), you may place the ring on (groom's first name) finger and **repeat after me:**

(Groom's first name), I give you this ring -- as a symbol of my love and affection -- and pledge my love now and always.

(Groom's first name) and (bride's first name), may your marriage live on the love you give each other, may it never grow old. May you always feel as special about each other as you do here today. May you always share laughter, talk, and peaceful moments. May you be blessed with a lifetime of happiness.

For as much as (groom's first name) and (bride's first name) have consented together in marriage before these witnesses, and thereto have pledged their faith, each to the other, and declared the same by the joining of hands and the giving and receiving of a ring; by the authority vested in me under the laws of the State of Michigan, I pronounce they are now husband and wife. You may kiss the bride.

Sample Script 2

Magistrate: We are gathered here, in the presence of these witnesses, to join this man and this woman in the bond of matrimony.

Absent lawful objection, this ceremony will proceed.

To Groom: (Groom's first name), do you attest to and desire to be united in marriage to this woman?

Groom: "I do."

To Bride: (Bride's first name), do you attest to and desire to be united in marriage to this man?

Bride: "I do."

Magistrate: Please join your right hands. Repeat after me.

To Groom: I, (groom's first name) -- take (bride's first name) -- to be my wedded wife -- to have and to hold -- for better or for worse -- for richer or for poorer -- in sickness and in health -- until death do us part.

To Bride: I, (bride's first name) -- take (groom's first name) -- to be my wedded husband -- to have and to hold -- for better or for worse -- for richer or for poorer -- in sickness and in health -- until death do us part.

Magistrate: Repeat after me.

(optional) With this ring, I thee wed -- and pledge to thee, my love and devotion.

By the virtue of the laws of the State of Michigan and office of magistrate, I pronounce you husband and wife. You may kiss your bride.

Sample Script 3

Magistrate: We are here to join (groom's first name) and (bride's first name) in marriage, which is an honorable estate sanctioned by law. Marriage is not to be entered into lightly or inadvisedly, but thoughtfully and reverently.

To Groom: Do you (groom's first name) take (bride's first name) to be your wife? Will you love her, honor her, support and keep her, in sickness and in health, and pledge yourself, one to the other, so long as you both shall live?

Groom: "I will."

To Bride: Do you (bride's first name) take (groom's first name) to be your husband? Will you love him, honor him, support and keep him, in sickness and in health, and pledge yourself, one to the other, so long as you both shall live?

Bride: "I will."

Magistrate: Then face each other, join hands, and make these vows by repeating after me.

To Groom: I, (groom's first name) take you (bride's first name) to be my wife -- to have and to hold -- from this day forward -- for better, for worse -- for richer or poorer -- in sickness and in health -- until death do us part.

To Bride: I, (bride's first name) take you (groom's first name) to be my husband -- to have and to hold -- from this day forward -- for better, for worse -- for richer or poorer -- in sickness and in health -- until death do us part.

To Groom: (Groom's first name), you have a ring, the symbol of your constant faithfulness and (optional) abiding love. Place the ring on the finger of your bride and say to her: "Receive this ring as a token of my love and devotion."

To Bride: (Bride's first name), you have a ring, the symbol of your constant faithfulness and (optional) abiding love. Place the ring on the finger of your groom and say to him: "Receive this ring as a token of my love and devotion."

Magistrate: For inasmuch as (groom's first name) and (bride's first name) have consented together in wedlock, and have declared the same before these witnesses and in my presence, therefore, by virtue of the laws of the State of Michigan, I now pronounce you husband and wife.