

**Public Policy Position**  
**HB 4226 – HB 4229**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,669 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on these bills.

The Family Law Section has a public policy decision-making body with 21 members. On April 10, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 19 members voted in favor of the Section’s position on HB 4226 – HB 4229, 0 members voted against this position, 1 member abstained, 1 member did not vote.

**Support with Recommended Amendments****Explanation:**

The Family Law Section agrees that the minimum age for marriage should be 18, but also that there should be a judicial by-pass for a family court judge to authorize a marriage of a minor child over 16 years of age, after the appointment of a Guardian Ad Litem who is a member of the State Bar of Michigan to investigate and report to the court, and the court making a specific finding that the petitioner/minor child’s request is free of coercion, and that at least one of the following is true:

1. The petitioner/minor child has already been emancipated;
2. The petitioner/minor child has established that the request should be granted based upon the same criteria as set forth in MCL 722.4c for the emancipation of a minor, with the exception that the requirement in MCL 722.4c(2)(d) that the petitioner/minor child establish that they have “means of support” cannot be established by citing the proposed marriage itself as a “means of support”; or
3. The minor child establishes a compelling reason why the proposed marriage cannot wait until the petitioner/minor child attains the age of 18.

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