

**Public Policy Position
SB 1116**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,664 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 this item.

The Family Law Section has a public policy decision-making body with 20 members. On November 5, 2022, the Section adopted its position after a discussion and vote at a scheduled meeting. 17 members voted in favor of the Section's position, 0 members voted against this position, 1 member abstained, 2 members did not vote.

Support with Recommended Amendments

Explanation:

Family Law Section supports this legislation establishing 18 as the minimum age for marriage, but believes that the bill should be amended to provide that there should be a judicial bypass for a family court judge to authorize marriages of minors over the age of 16, with 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 petitioner/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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