

# HOUSE BILL No. 5761

February 19, 2008, Introduced by Reps. Sheen, Sheltroun, Shaffer, Hoogendyk, Stahl, Robertson, Wenke, Gaffney, Calley, Marleau, Meekhof, Stakoe, Opsommer and Dean and referred to the Committee on Judiciary.

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 6 (MCL 552.6).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. (1) A complaint for divorce may be filed in the  
2 circuit court upon the allegation that there has been a breakdown  
3 of the marriage relationship to the extent that the objects of  
4 matrimony have been destroyed and there remains no reasonable  
5 likelihood that the marriage can be preserved. ~~In the complaint~~  
6 ~~the plaintiff shall make no other explanation of the grounds for~~  
7 ~~divorce than by the use of the statutory language.~~ **IF EITHER OF THE**

**FOLLOWING APPLIES:**

9           **(A) THE PARTIES DO NOT HAVE A MINOR CHILD AND THE WIFE IS NOT**  
10 **PREGNANT.**

1 (B) THE COMPLAINT FOR DIVORCE OR AN ATTACHED PAPER CONTAINS A  
2 STATEMENT SIGNED BY BOTH PARTIES STATING THAT THE PARTIES AGREE  
3 THAT THE GROUNDS FOR DIVORCE DESCRIBED IN THIS SUBSECTION EXIST.

4 (2) IF SUBSECTION (1) DOES NOT APPLY, A COMPLAINT FOR DIVORCE  
5 MAY BE FILED IN THE CIRCUIT COURT ALLEGING 1 OR MORE OF THE  
6 FOLLOWING GROUNDS FOR DIVORCE:

7 (A) THE DEFENDANT HAS COMMITTED ADULTERY.

8 (B) THE DEFENDANT HAS BEEN CONVICTED OF A FELONY AND HAS BEEN  
9 SENTENCED TO IMPRISONMENT FOR 5 YEARS OR MORE.

10 (C) THE DEFENDANT ABANDONED THE MATRIMONIAL DOMICILE 1 YEAR OR  
11 MORE BEFORE THE COMPLAINT WAS FILED AND WAS REQUESTED BY THE  
12 PLAINTIFF DURING THAT PERIOD TO RETURN TO THE MATRIMONIAL DOMICILE,  
13 BUT DID NOT DO SO.

14 (D) THE DEFENDANT HAS PHYSICALLY OR SEXUALLY ABUSED THE  
15 PLAINTIFF OR A CHILD OF 1 OR BOTH OF THE PARTIES.

16 (E) THE PARTIES BY MUTUAL CONSENT HAVE BEEN LIVING SEPARATE  
17 AND APART CONTINUOUSLY WITHOUT RECONCILIATION FOR 2 YEARS OR MORE.

18 (F) A JUDGMENT OF SEPARATE MAINTENANCE HAS BEEN ENTERED IN AN  
19 ACTION BETWEEN THE PARTIES AND THE PARTIES BY MUTUAL CONSENT HAVE  
20 BEEN LIVING SEPARATE AND APART CONTINUOUSLY WITHOUT RECONCILIATION  
21 FOR 18 MONTHS OR MORE AFTER ENTRY OF THE JUDGMENT.

22 (3) A PLAINTIFF SHALL NOT INCLUDE IN A COMPLAINT FOR DIVORCE  
23 AN EXPLANATION OF THE GROUNDS FOR DIVORCE OTHER THAN BY THE USE OF  
24 THE APPLICABLE STATUTORY LANGUAGE.

25 (4) ~~(2)~~—The defendant, by answer, may either admit the grounds  
26 for divorce alleged or deny them without further explanation. An  
27 admission by the defendant of the grounds for divorce may be

1 considered by the court but is not binding on the court's  
2 determination.

3 (5) ~~(3)~~—The court shall enter a judgment dissolving the bonds  
4 of matrimony if evidence is presented in open court ~~that there has~~  
5 ~~been a breakdown in the marriage relationship to the extent that~~  
6 ~~the objects of matrimony have been destroyed and there remains no~~  
7 ~~reasonable likelihood that the marriage can be preserved.~~ **SHOWING 1**  
8 **OF THE FOLLOWING:**

9 (A) IF THE COMPLAINT IS FILED UNDER SUBSECTION (1), THAT, BY A  
10 PREPONDERANCE OF THE EVIDENCE, GROUNDS FOR DIVORCE AS DESCRIBED IN  
11 SUBSECTION (1) EXIST.

12 (B) IF THE COMPLAINT IS FILED UNDER SUBSECTION (2), THAT, BY  
13 CLEAR AND CONVINCING EVIDENCE, GROUNDS FOR DIVORCE AS DESCRIBED IN  
14 SUBSECTION (2) EXIST.