



SENATE BILL No. 1278

September 21, 1994, Introduced by Senators WELBORN and
CARL and referred to the Committee on Family Law,
Mental Health, and Corrections

A bill to amend sections 6 and 7 of chapter 84 of the
Revised Statutes of 1846, entitled
"Of divorce,"

being sections 552 6 and 552 7 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 6 and 7 of chapter 84 of the Revised
2 Statutes of 1846, being sections 552 6 and 552 7 of the Michigan
3 Compiled Laws, are amended to read as follows

4 Sec 6 (1) A complaint for divorce ~~may~~ SHALL be filed in
5 the circuit court

6 (2) IF, AT THE TIME OF FILING A COMPLAINT FOR DIVORCE, THE
7 PARTIES ARE THE PARENTS OF 1 OR MORE UNEMANCIPATED MINOR CHILDREN
8 OR THE WIFE IS PREGNANT, A COMPLAINT FOR DIVORCE SHALL NOT BE
9 FILED UNLESS THE PLAINTIFF ALLEGES 1 OR MORE OF THE FOLLOWING

1 (A) THE DEFENDANT HAS COMMITTED ADULTERY

2 (B) THE DEFENDANT WAS SENTENCED TO IMPRISONMENT FOR 3 OR
3 MORE YEARS AFTER A DIVORCE IS GRANTED BASED UPON THIS SUBDIVI-
4 SION, A PARDON OR OTHER ALTERATION OF THE PARTY'S CONVICTION OR
5 SENTENCE DOES NOT RESTORE THE MARRIAGE

6 (C) THE DEFENDANT DESERTED THE PLAINTIFF FOR 2 OR MORE
7 YEARS

8 (D) THE DEFENDANT HABITUALLY ABUSES ALCOHOL OR A CONTROLLED
9 SUBSTANCE

10 (E) THE PLAINTIFF IS THE SUBJECT OF EXTREME CRUELTY BY THE
11 DEFENDANT

12 (3) EXCEPT FOR A COMPLAINT THAT MAY ONLY BE FILED UNDER SUB-
13 SECTION (1), A COMPLAINT FOR DIVORCE MAY BE FILED upon the alle-
14 gation that there has been a breakdown of the marriage relation-
15 ship to the extent that the objects of matrimony have been
16 destroyed and there remains no reasonable likelihood that the
17 marriage can be preserved In ~~the~~ A complaint FILED UNDER THIS
18 SUBSECTION, the plaintiff shall ~~make no other~~ LIMIT THE expla-
19 nation of the grounds for divorce ~~than by the use of~~ TO the
20 statutory language

21 (4) ~~-(2)-~~ The defendant, by answer, may either admit the
22 grounds for divorce alleged, ~~or~~ deny them without further
23 explanation, OR COUNTERCLAIM BASED ON A GROUND PERMITTED UNDER
24 THIS SECTION ~~-An-~~ THE COURT MAY CONSIDER AN admission by the
25 defendant of the grounds for divorce, ~~may be considered by the~~
26 ~~court~~ but is not ~~binding on the court's determination~~ BOUND BY
27 IT

1 (5) ~~—(3)—The~~ FOR A COMPLAINT FOR DIVORCE FILED UNDER
 2 SUBSECTION (2), THE COURT SHALL ENTER A JUDGMENT OF DIVORCE IF
 3 EVIDENCE IS PRESENTED IN OPEN COURT THAT PROVES BY A PREPONDER-
 4 ANCE OF THE EVIDENCE AN ALLEGATION MADE IN THE COMPLAINT FOR A
 5 COMPLAINT FOR DIVORCE FILED UNDER SUBSECTION (3), THE court shall
 6 enter a judgment dissolving the bonds of matrimony if evidence is
 7 presented in open court that there has been a breakdown in the
 8 marriage relationship to the extent that the objects of matrimony
 9 have been destroyed and there remains no reasonable likelihood
 10 that the marriage can be preserved

11 Sec 7 (1) An action for separate maintenance may be filed
 12 in the circuit court in the same manner and on the same grounds
 13 WITH THE SAME RESTRICTIONS as an action for divorce In ~~the~~ A
 14 complaint BASED UPON SECTION 6(3) OF THIS CHAPTER, the plaintiff
 15 shall ~~make no other~~ LIMIT THE explanation of the grounds for
 16 separate maintenance ~~than by use of~~ TO the statutory language

17 (2) The defendant, by answer, may either admit the grounds
 18 for separate maintenance alleged or deny them without further
 19 explanation ~~An~~ THE COURT MAY CONSIDER AN admission by the
 20 defendant of the grounds for separate maintenance, ~~may be con-~~
 21 sidered by the court but is not ~~binding on the court's~~
 22 determination BOUND BY IT The defendant may also file a coun-
 23 terclaim for divorce

24 (3) If the defendant files a counterclaim for divorce, THE
 25 COURT MAY CONSIDER the allegation contained in the plaintiff's
 26 complaint as to the grounds for separate maintenance, ~~may be~~

~~1 considered by the court but is not binding on the court's~~
~~2 determination~~ BOUND BY IT

3 (4) ~~If evidence is presented in open court that there has~~
~~4 been a breakdown in the marriage relationship to the extent that~~
~~5 the objects of matrimony have been destroyed and there remains no~~
~~6 reasonable likelihood that the marriage can be preserved, the~~
~~7 court shall enter~~ THE COURT SHALL ENTER A JUDGMENT OF SEPARATE
8 MAINTENANCE OR, IF A COUNTERCLAIM FOR DIVORCE HAS BEEN FILED, A
9 JUDGMENT OF DIVORCE IN EITHER OF THE FOLLOWING CIRCUMSTANCES

10 (a) ~~A judgment of separate maintenance if a counterclaim~~
~~11 for divorce has not been filed~~ FOR A COMPLAINT OR COUNTERCLAIM
12 BASED UPON SECTION 6(2) OF THIS CHAPTER, EVIDENCE IS PRESENTED IN
13 OPEN COURT THAT PROVES BY A PREPONDERANCE OF THE EVIDENCE AN
14 ALLEGATION MADE IN THE COMPLAINT OR COUNTERCLAIM

15 (b) ~~A judgment dissolving the bonds of matrimony if a coun-~~
~~16 terclaim for divorce has been filed~~ FOR A COMPLAINT OR COUNTER-
17 CLAIM BASED UPON SECTION 6(3) OF THIS CHAPTER, EVIDENCE IS
18 PRESENTED IN OPEN COURT THAT THERE HAS BEEN A BREAKDOWN IN THE
19 MARRIAGE RELATIONSHIP TO THE EXTENT THAT THE OBJECTS OF MATRIMONY
20 HAVE BEEN DESTROYED AND THERE REMAINS NO REASONABLE LIKELIHOOD
21 THAT THE MARRIAGE CAN BE PRESERVED