

HOUSE BILL No. 5495

December 13, 2005, Introduced by Reps. Schuitmaker, David Law, Wojno, Meisner, Brown, Adamini, Whitmer, Plakas, Accavitti, Hune, Gaffney, Tobocman, Alma Smith, Vander Veen, Stewart, Nofs, Donigan, Condino, Hopgood, Steil, Jones, Hansen, Lipsey, Gonzales and Leland 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 the
6 plaintiff shall make no other explanation of the grounds for
7 divorce than by the use of the statutory language.

8 (2) The defendant, by answer, may either admit the grounds for
9 divorce alleged or deny them without further explanation. An

1 admission by the defendant of the grounds for divorce may be
2 considered by the court but is not binding on the court's
3 determination.

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

10 (4) **THE COURT SHALL ENTER A JUDGMENT OF DIVORCE IF THE PARTIES**
11 **FILE A COMPLAINT FOR DIVORCE WITH A CONSENT JUDGMENT OF DIVORCE AND**
12 **AN AFFIDAVIT OF EACH PARTY STATING THAT ALL ISSUES OF THE DIVORCE**
13 **HAVE BEEN RESOLVED, THAT A CONSENT JUDGMENT OF DIVORCE HAS BEEN**
14 **APPROVED BY BOTH PARTIES, AND THAT THERE HAS BEEN A BREAKDOWN IN**
15 **THE MARRIAGE RELATIONSHIP TO THE EXTENT THAT THE OBJECTS OF**
16 **MATRIMONY HAVE BEEN DESTROYED AND THERE REMAINS NO REASONABLE**
17 **LIKELIHOOD THAT THE MARRIAGE CAN BE PRESERVED.**

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No.____ or House Bill No. 5496(request no.
20 03130'05) of the 93rd Legislature is enacted into law.