

# HOUSE BILL No. 5496

December 13, 2005, Introduced by Reps. Byrnes, 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 9f (MCL 552.9f).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9f. (1) ~~No proofs or testimony shall be taken in any~~ IN  
2       A case for divorce, **THE COURT SHALL NOT TAKE ANY PROOFS OR**  
3       **TESTIMONY** until the expiration of 60 days from the time ~~of filing~~  
4       the ~~bill of~~ complaint **IS FILED**, except ~~where the cause for~~  
5       ~~divorce is desertion, or~~ when the testimony is taken conditionally  
6       for the purpose of perpetuating ~~such~~ **THAT** testimony. ~~In every~~  
7       ~~case where there are~~

8       (2) **IF THE CASE INVOLVES** dependent minor children under the  
9       age of 18 years, ~~no proofs or testimony shall be taken in such~~

1 ~~eases for divorce~~ **THE COURT SHALL NOT TAKE ANY PROOFS OR TESTIMONY**  
 2 until the expiration of 6 months from the day the ~~bill of~~  
 3 complaint is filed, **EXCEPT WHEN THE TESTIMONY IS TAKEN**  
 4 **CONDITIONALLY FOR THE PURPOSE OF PERPETUATING THAT TESTIMONY.** ~~In~~  
 5 **THE COURT MAY TAKE TESTIMONY AFTER THE EXPIRATION OF 60 DAYS FROM**  
 6 **THE TIME THE COMPLAINT IS FILED IN** cases of unusual hardship or  
 7 ~~such~~ compelling necessity. ~~as shall appeal to the conscience of~~  
 8 ~~the court, upon petition and proper showing, it may take testimony~~  
 9 ~~at any time after the expiration of 60 days from the time of filing~~  
 10 ~~the bill of complaint. Testimony may be taken conditionally at any~~  
 11 ~~time for the purpose of perpetuating such testimony.~~ **THE COURT MAY**  
 12 **ENTER A DIVORCE JUDGMENT ON A CASE FILED PURSUANT TO SECTION 6(4)**  
 13 **AFTER THE EXPIRATION OF 60 DAYS FROM THE TIME THE COMPLAINT IS**  
 14 **FILED.**

15 (3) When the defendant ~~in any case for divorce~~ is not  
 16 domiciled in this state at the time of commencing the suit or  
 17 ~~shall not have been domiciled herein~~ at the time the cause for  
 18 divorce arose, before ~~any decree of~~ **A divorce JUDGMENT** shall be  
 19 granted, the complainant must prove that the parties have actually  
 20 lived and cohabited together as husband and wife within this state,  
 21 or that the complainant has in good faith resided in this state for  
 22 1 year immediately preceding the filing of the ~~bill of~~ complaint  
 23 for divorce.

24 Enacting section 1. This amendatory act does not take effect  
 25 unless Senate Bill No.\_\_\_\_ or House Bill No. 5495(request no.  
 26 03131'05) of the 93rd Legislature is enacted into law.