

Legislative Analysis



TIMING OF PUBLIC DISCLOSURE OF DIVORCE FILINGS

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House Bill 4195 (H-1) as reported from committee

Sponsor: Rep. Pamela Hornberger

Committee: Judiciary

Complete to 2-10-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4195 would amend Chapter 84 (Of Divorce) of the Revised Statutes of 1846 by adding section 6a to prohibit a complaint for divorce filed with the court from being made available to the public until the proof of service has been filed with the court. The prohibition would be effective beginning July 1, 2022.

Proposed MCL 552.46a

BACKGROUND:

House Bill 4195 is similar to House Bill 5296 of the 2019-20 legislative session.¹ That bill was referred from the House Families, Children and Seniors committee to the House Judiciary committee.

BRIEF DISCUSSION:

According to committee testimony, divorce filings are currently made public before the defendant is served or receives a notice. Supporters of the bill argue that this timing can negatively affect an abused spouse who files for divorce and is attempting to find a safe place away from the abuser before the abuser is served with the divorce notice.

FISCAL IMPACT:

House Bill 4195 would have no fiscal impact on the state or on local units of government.

POSITIONS:

The Michigan Domestic and Sexual Violence Prevention and Treatment Board indicated support for the bill. (1-25-22)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <http://legislature.mi.gov/doc.aspx?2019-HB-5296>