

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.7 Action for separate maintenance; filing; grounds; answer; effect of admission; counterclaim for divorce; judgment.

Sec. 7. (1) An action for separate maintenance may be filed in the circuit court in the same manner and on the same grounds as an action for divorce. In the complaint the plaintiff shall make no other explanation of the grounds for separate maintenance than by use of the statutory language.

(2) The defendant, by answer, may either admit the grounds for separate maintenance alleged or deny them without further explanation. An admission by the defendant of the grounds for separate maintenance may be considered by the court but is not binding on the court's determination. The defendant may also file a counterclaim for divorce.

(3) If the defendant files a counterclaim for divorce, the allegation contained in the plaintiff's complaint as to the grounds for separate maintenance may be considered by the court but is not binding on the court's determination.

(4) If evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved, the court shall enter:

(a) A judgment of separate maintenance if a counterclaim for divorce has not been filed.

(b) A judgment dissolving the bonds of matrimony if a counterclaim for divorce has been filed.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—CL 1857, 3228;—CL 1871, 4739;—How. 6229;—CL 1897, 8622;—CL 1915, 11398;—CL 1929, 12729;—CL 1948, 552.7;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Former law: See section 4 of Ch. 2, Title VII of R.S. 1838, and Act 60 of 1844.

Popular name: No-Fault Divorce