

SUBSTITUTE FOR
HOUSE BILL NO. 5470

A bill to amend 1846 RS 84, entitled
"Of divorce,"
(MCL 552.1 to 552.45) by adding sections 5 and 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as provided in subsection (5), the
2 parties to a divorce shall complete, either together or
3 separately, a divorce effects program and a questionnaire as
4 provided in this section before entry of the judgment of
5 divorce. This subsection applies only if 1 or more of the
6 following are true:

7 (a) The parties are a minor child's parents.

8 (b) Either party is a minor child's physical custodian at the
9 time of filing the complaint for divorce.

10 (c) The wife is pregnant and, after the child is born, the
11 husband would be the child's presumed father. If the pregnancy

1 is discovered after the complaint is filed, but before entry of
2 the judgment of divorce, the court shall not enter the judgment
3 until the parties comply with this section.

4 (2) Parties to whom subsection (1) applies shall complete a
5 divorce effects program covering at least all of the following
6 subjects related to issues about the following:

7 (a) A child involved in the action:

8 (i) Developmental stages.

9 (ii) Responses to divorce.

10 (iii) Symptoms of maladjustment to divorce and responses to
11 maladjustment.

12 (iv) Education or counseling options for the child.

13 (b) Parties to the action:

14 (i) Communication skills.

15 (ii) Conflict resolution skills.

16 (iii) Emotional adjustment, family adjustment, financial
17 adjustment, and work adjustment techniques.

18 (iv) Stress reduction.

19 (v) Parallel and cooperative parenting techniques.

20 (vi) Reconciliation and counseling options, and remarriage
21 issues.

22 (vii) Substance abuse information and referral.

23 (c) Court procedure and process as described in information
24 available from the relevant office of the friend of the court.

25 (3) Parties to whom subsection (1) applies shall complete a
26 questionnaire prior to completing a divorce effects program
27 answering the following questions as to whether the divorce

1 will:

2 (a) Improve, maintain, or diminish the love, affection, and
3 other emotional ties existing between the parties involved and
4 the child.

5 (b) Improve, maintain, or diminish the capacity and
6 disposition of the parties involved to give the child love,
7 affections, and guidance and to continue the education and
8 raising of the child in the child's religion or creed, if any.

9 (c) Improve, maintain, or diminish the capacity and
10 disposition of the parties involved to provide the child with
11 food, clothing, medical care, or other remedial care recognized
12 and permitted under the laws of this state in place of medical
13 care and other material needs.

14 (d) Upset a stable, satisfactory environment.

15 (e) Result in a suitable living arrangement for the child
16 involved.

17 (f) Improve, maintain, or diminish the mental and physical
18 health of the parties involved.

19 (g) Improve, maintain, or diminish school and community
20 record of the child.

21 (h) Improve, maintain, or diminish the willingness and
22 ability of each of the parents to facilitate and encourage a
23 close and continuing parent and child relationship between the
24 child and the other parent.

25 (i) Reduce domestic violence or mental anguish of any of the
26 parties involved.

27 (4) The provider of a divorce effects program shall issue a

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1 certificate to each individual who completes the program
2 indicating that completion.

3 (5) If the individual conducting a program described in this
4 section is an official representative of a religious institution,
5 the program may omit a subject listed in subsection (2) if
6 training or education on that subject would violate a tenet of
7 the religious institution.

8 (6) The court shall not order a divorce effects program if a
9 party to the marriage files a sworn statement stating that the
10 party is a victim of domestic violence by the other party. [The sworn
statement shall be reviewed only by the court and shall not be a part of
the public record of that divorce action.] The
11 court may otherwise excuse a party to a divorce action from
12 attending a divorce effects program for good cause including, but
13 not limited to, availability of the program or the party's
14 ability to pay. If a party is not exempt or excused from a
15 divorce effects program as provided in this subsection and the
16 party fails to complete a divorce effects program, the court may
17 hold the party in contempt, punishable as provided in the revised
18 judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948, may
19 impose another sanction reasonable in the circumstances, and may
20 enter a judgment of divorce despite the party's failure to
21 complete a divorce effects program.

22 (7) As used in this section, "domestic violence" means an act
23 inflicting bodily injury, causing serious emotional injury or
24 serious psychological trauma, or placing in fear of imminent
25 physical harm by threat or force a person who is a spouse or
26 former spouse or has or has had a dating relationship with,
27 resides or has resided with, or has a child in common with the

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1 person committing the violence.

2 Sec. 5a. (1) Only 1 or more of the following shall conduct
3 a divorce effects program required under section 5:

4 (a) A licensed professional counselor, licensed marriage and
5 family therapist, licensed or limited licensed psychologist, or
6 certified social worker or social worker licensed or registered
7 as required by article 15 of the public health code, 1978 PA 368,
8 MCL 333.16101 to 333.18838.

9 (b) A psychiatrist as that term is defined in section 100c of
10 the mental health code, 1974 PA 258, MCL 330.1100c.

11 (c) An official representative of a religious institution.

12 (d) Court or friend of the court personnel.

13 (2) Payment for a divorce effects program shall be made
14 directly to the program provider. A program provider may use a
15 fee schedule that accommodates families of various financial
16 Means, including allowing participation by indigent individuals
17 for no fee.

[Enacting section 1. This amendatory act takes effect October 1,
2004.]