

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5470

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5. (1) Except as provided in subsections (6) and (7),
2 the 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 regarding 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 that
27 shall be confidential, reviewed only by the program provider and

1 the court or court staff, or, during a criminal investigation, by
2 law enforcement or a prosecutor, and shall not be a part of the
3 public record of that divorce action and is exempt from the
4 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

5 The questionnaire shall include the following questions as to
6 whether the divorce will:

7 (a) Improve, maintain, or diminish the love, affection, and
8 other emotional ties existing between the parties involved and
9 the child.

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

14 (c) Improve, maintain, or diminish the capacity and
15 disposition of the parties involved to provide the child with
16 food, clothing, medical care, or other remedial care recognized
17 and permitted under the laws of this state in place of medical
18 care and other material needs.

19 (d) Upset a stable, satisfactory environment.

20 (e) Result in a suitable living arrangement for the child
21 involved.

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

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

26 (h) Improve, maintain, or diminish the willingness and
27 ability of each of the parents to facilitate and encourage a

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1 close and continuing parent and child relationship between the
2 child and the other parent.

3 (i) Reduce domestic violence or mental anguish of any of the
4 parties involved.

5 (4) The provider of a divorce effects program shall issue a
6 certificate to each individual who completes the program
7 indicating that completion.

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

13 (6) The court shall not order a divorce effects program if a
14 party to the marriage files a sworn statement stating that the
15 party is a victim of domestic violence by the other party. The
16 sworn statement shall be confidential, reviewed only by the
17 court, or, during a criminal investigation, by law enforcement or
18 a prosecutor, and shall not be a part of the public record of
19 that divorce action. The sworn statement is exempt from the
20 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
21 The court may otherwise excuse a party to a divorce action from
22 attending a divorce effects program for good cause including, but
23 not limited to, availability of the program<<, the party is
24 incarcerated,>> or the party's
25 ability to pay. If a party is not exempt or excused from a
26 divorce effects program as provided in this subsection and the
27 party fails to complete a divorce effects program, the court may
hold the party in contempt, punishable as provided in the revised

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1 judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, may
2 impose another sanction reasonable in the circumstances, and may
3 enter a judgment of divorce despite the party's failure to
4 complete a divorce effects program.

5 (7) Beginning on the effective date of the amendatory act
6 that added this section, if a court has instituted a program
7 similar to a divorce effects program described under subsection
8 (1), the court shall be in compliance with this section and is
9 not required to institute or order another program.

10 (8) As used in this section, "domestic violence" means that
11 term as defined in section 1 of 1978 PA 389, MCL 400.1501.

12 Enacting section 1. This amendatory act takes effect
13 October 1, 2004.

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