

# SENATE BILL No. 965

February 5, 2004, Introduced by Senators GARCIA, CROPSEY, KUIPERS, HARDIMAN, GOSCHKA and BIRKHOLZ and referred to the Committee on Judiciary.

A bill to amend 1846 RS 84, entitled  
 "Of divorce,"  
 by amending section 45 (MCL 552.45).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SENATE BILL No. 965

1       Sec. 45. (1) Every bill of complaint filed shall set forth  
 2 the names and ages of all children of the marriage, and when  
 3 there are children under 17 years of age a copy of the summons  
 4 issued in the cause shall be served upon the ~~the prosecuting~~  
 5 ~~attorney~~ **friend of the court** of the county where suit is  
 6 commenced ~~, or upon the friend of the court in those counties~~  
 7 ~~having a population of 500,000 or more which have a friend of the~~  
 8 ~~court. The prosecuting attorney or~~ **The** friend of the court ~~so~~  
 9 **who is** served shall enter ~~his~~ **an** appearance in the cause. ~~—~~  
 10 ~~and when, in his~~ **If, in the friend of the court's** judgment, the  
 11 interest of the children or the public good so requires, ~~he~~ **the**

1 **friend of the court** shall introduce evidence and appear at the  
2 hearing and oppose the granting of a ~~deeree~~ **judgment** of  
3 divorce. ~~In any case wherein there are no children the issue of~~  
4 ~~such marriage under the age of 17 years, when it shall appear to~~  
5 ~~the court that the public good so requires, an order may be~~  
6 ~~entered requiring the prosecuting attorney or friend of the court~~  
7 ~~in counties having a population of 500,000 or more to appear and~~  
8 ~~oppose the granting of a decree of divorce.~~ For every case  
9 ~~which~~ **that** the ~~prosecuting attorney~~ **friend of the court**  
10 investigates, and ~~in which he~~ appears by and with the consent  
11 of the court, ~~he~~ **the friend of the court** shall receive the sum  
12 of \$5.00, to be paid by the county treasurer upon the certificate  
13 of the circuit judge that ~~such~~ **the** services have been  
14 performed. ~~Nothing in this act contained shall be construed as~~  
15 ~~preventing prosecuting attorneys or their partners from acting as~~  
16 ~~solicitors or counsel for either party to the suit.~~ If a  
17 ~~prosecuting attorney or friend of the court is in any way~~  
18 ~~interested as solicitor or counsel for either of the parties the~~  
19 ~~court shall appoint some reputable attorney to perform the~~  
20 ~~services of prosecuting attorney, as provided in this act, who~~  
21 ~~shall receive the compensation provided for such service.~~ **The**  
22 **friend of the court shall file with the court, and, upon the**  
23 **request of a party, provide to the party, a determination of the**  
24 **interests of the child and the public good.**

25 (2) **The friend of the court shall annually provide a report**  
26 **to the state court administrative office. The report shall state**  
27 **the following information:**

1 (a) The number of appearances filed with the court.

2 (b) The number of children involved in each appearance.

3 (c) The number of divorces that were opposed as not in the  
4 interests of the child.

5 (d) The number of divorces that were opposed as not in the  
6 interests of the public good.

7 (3) As used in this section, "interests of the child" means  
8 the sum total of the following factors to be considered,  
9 evaluated, and determined by the friend of the court:

10 (a) If a divorce is likely to do any of the following:

11 (i) Improve, maintain, or diminish the love, affection, and  
12 other emotional ties existing between the parties involved and  
13 the child.

14 (ii) Improve, maintain, or diminish the capacity and  
15 disposition of the parties involved to give the child love,  
16 affection, and guidance and to continue the education and raising  
17 of the child in the child's religion or creed, if any.

18 (iii) Improve, maintain, or diminish the capacity and  
19 disposition of the parties involved to provide the child with  
20 food, clothing, medical care, or other remedial care recognized  
21 and permitted under the laws of this state in place of medical  
22 care and other material needs.

23 (iv) Upset a stable, satisfactory environment.

24 (v) Result in a suitable living arrangement for the child  
25 involved.

26 (vi) Improve, maintain, or diminish the mental and physical  
27 health of the parties involved.

1           (vii) Improve, maintain, or diminish school and community  
2 record of the child.

3           (viii) The willingness and ability of each of the parents to  
4 facilitate and encourage a close and continuing parent and child  
5 relationship between the child and the other parent.

6           (ix) Reduce domestic violence or mental anguish of any of the  
7 parties involved.

8           (b) The preference of the child, if the friend of the court  
9 considers the child to be of sufficient age to express a  
10 preference.

11          (c) Any other factor considered by the friend of the court to  
12 be relevant to a particular child.