

HOUSE BILL No. 5598

January 9, 2008, Introduced by Rep. Sak and referred to the Committee on Judiciary.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
(MCL 552.1 to 552.45) by adding section 22a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 22A. (1) THE PLAINTIFF IN AN ACTION FOR ANNULMENT,
2 DIVORCE, OR SEPARATE MAINTENANCE SHALL STATE IN THE COMPLAINT THE
3 SPECIES OF EACH PET OF THE PARTIES, WHEN THE PET WAS ACQUIRED, AND
4 WHETHER THE PARTIES HAVE A WRITTEN AGREEMENT FOR THE PLACEMENT OF
5 THE PET. IF THERE IS A WRITTEN AGREEMENT, THE PLAINTIFF SHALL
6 ATTACH THE AGREEMENT TO THE COMPLAINT.

7 (2) A PARTY TO AN ACTION FOR ANNULMENT, DIVORCE, OR SEPARATE
8 MAINTENANCE MAY REQUEST THE COURT TO DETERMINE THE PLACEMENT OF A
9 PET OF THE PARTIES. EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT

1 SHALL ORDER PLACEMENT OF THE PET AS PROVIDED IN A WRITTEN AGREEMENT
2 OF THE PARTIES.

3 (3) IF A PARTY TO AN ACTION FOR ANNULMENT, DIVORCE, OR
4 SEPARATE MAINTENANCE REQUESTS THE COURT TO DETERMINE THE PLACEMENT
5 OF A PET OF THE PARTIES AND THE PARTIES DO NOT AGREE TO THE PET'S
6 PLACEMENT OR SUBSECTION (5) APPLIES, THE COURT MAY ORDER PLACEMENT
7 WITH 1 OF THE PARTIES OR THAT THE PET BE SURRENDERED TO A LOCAL
8 HUMANE SOCIETY OR OTHER SIMILAR ANIMAL CARE FACILITY DESIGNATED BY
9 THE COURT. THE COURT SHALL NOT ORDER THAT THE PARTIES SHARE
10 PLACEMENT OF A PET UNLESS THE PARTIES HAVE FILED A WRITTEN
11 AGREEMENT FOR SHARED PLACEMENT WITH THE COURT. IF THE COURT ORDERS
12 THAT THE PET BE SURRENDERED, THE COURT SHALL REQUIRE THAT THE
13 PARTIES SUBMIT EVIDENCE TO THE COURT THAT THE PET HAS BEEN
14 SURRENDERED.

15 (4) IF A COURT ORDERS SHARED PLACEMENT OF A PET UNDER
16 SUBSECTION (2) AND 1 OF THE PARTIES MOVES OR INTENDS TO MOVE TO A
17 LOCATION THAT WOULD MAKE IT IMPRACTICAL FOR THE PLACEMENT
18 ARRANGEMENT TO CONTINUE, A PARTY MAY FILE A MOTION TO MODIFY THE
19 PLACEMENT ORDER. EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT
20 SHALL MODIFY THE PLACEMENT ORDER AS PROVIDED IN A WRITTEN AGREEMENT
21 OF THE PARTIES. IF THE PARTIES DO NOT AGREE TO A MODIFIED PLACEMENT
22 ARRANGEMENT OR SUBSECTION (5) APPLIES, THE COURT MAY ORDER
23 PLACEMENT AS PROVIDED IN SUBSECTION (3).

24 (5) IN AN ACTION FOR ANNULMENT, DIVORCE, OR SEPARATE
25 MAINTENANCE, THE COURT MAY NOT ORDER PLACEMENT OF A PET WITH A
26 PARTY WHO HAS BEEN SUBJECT TO A PERSONAL PROTECTION ORDER UNDER
27 SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961

1 PA 236, MCL 600.2950 AND 600.2950A.

2 (6) A WRITTEN AGREEMENT UNDER THIS SECTION MAY BE AMENDED BY
3 THE PARTIES IN WRITING.

4 Enacting section 1. This amendatory act applies to actions for
5 annulment, divorce, or separate maintenance commenced on or after
6 the effective date of this amendatory act.