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Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.1 Invalidity of marriages; legitimacy of issue.

Sec. 1. If solemnized within this state, a marriage that is prohibited by law because of consanguinity or affinity between the parties, because either party had a wife or husband living at the time of solemnization, or because either party was not capable in law of contracting at the time of solemnization is absolutely void. The issue of such a marriage are legitimate.

History: R.S. 1846, Ch. 84;—CL 1857, 3222;—CL 1871, 4733;—How. 6223;—Am. 1883, Act 24, Imd. Eff. Apr. 11, 1883;—CL 1897, 8616;—CL 1915, 11392;—CL 1929, 12723;—CL 1948, 552.1;—Am. 1967, Act 229, Eff. Nov. 2, 1967;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.2 Invalidity of marriages; marriage of person under age of consent, marriage by fraud, lack of cohabitation.

Sec. 2. In case of a marriage solemnized when either of the parties was under the age of legal consent, if they shall separate during such non-age, and not cohabit together afterwards, or in case the consent of 1 of the parties was obtained by force or fraud, and there shall have been no subsequent voluntary cohabitation of the parties, the marriage shall be deemed void, without any decree of divorce or other legal process.

History: R.S. 1846, Ch. 84;—CL 1857, 3223;—CL 1871, 4734;—How. 6224;—CL 1897, 8617;—CL 1915, 11393;—CL 1929, 12724;—CL 1948, 552.2.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.3 Marriage of doubtful validity; procedure to annul.

Sec. 3. When a marriage is supposed to be void, or the validity thereof is doubted, for any of the causes mentioned in the 2 preceding sections; either party, excepting in the cases where a contrary provision is hereinafter made, may file a petition or bill in the circuit court of the county where the parties, or 1 of them, reside, or in the court of chancery, for annulling the same, and such petition or bill shall be filed, and proceedings shall be had thereon, as in the case of a petition or bill filed in said court for a divorce; and upon due proof of the nullity of the marriage, it shall be declared void by a decree or sentence of nullity.

History: R.S. 1846, Ch. 84;—CL 1857, 3224;—CL 1871, 4735;—How. 6225;—CL 1897, 8618;—CL 1915, 11394;—CL 1929, 12725;—CL 1948, 552.3.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.4 Marriage of doubtful validity; procedure to affirm.

Sec. 4. When the validity of any marriage shall be denied or doubted by either of the parties, the other party may file a bill or petition in the manner aforesaid, for affirming the marriage; and upon due proof of the validity thereof, it shall be declared valid by a decree or sentence of the court; and such decree, unless reversed on appeal, shall be conclusive upon all persons concerned.

History: R.S. 1846, Ch. 84;—CL 1857, 3225;—CL 1871, 4736;—How. 6226;—CL 1897, 8619;—CL 1915, 11395;—CL 1929, 12726;—CL 1948, 552.4.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.5 Repealed. 1951, Act 14, Eff. Sept. 28, 1951.

Compiler's note: The repealed section declared that sentence of life imprisonment on either party dissolved marriage without decree of divorce or other legal process, and that no pardon would restore party so sentenced to his or her conjugal rights.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

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552.6 Complaint for divorce; filing; grounds; answer; judgment.

Sec. 6. (1) A complaint for divorce may be filed in the circuit court upon the allegation that there has been a breakdown of 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. In the complaint the plaintiff shall make no other explanation of the grounds for divorce than by the use of the statutory language.

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

(3) The court shall enter a judgment dissolving the bonds of matrimony 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.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—Am. 1851, Act 64, Eff. July 5, 1851;—CL 1857, 3227;—CL 1871, 4738;—How. 6228;—CL 1897, 8621;—CL 1915, 11397;—CL 1929, 12728;—CL 1948, 552.6;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

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

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.8 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to additional grounds for divorce from bonds of matrimony.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9 Judgment of divorce; residency requirement; exception.

Sec. 9. (1) A judgment of divorce shall not be granted by a court in this state in an action for divorce unless the complainant or defendant has resided in this state for 180 days immediately preceding the filing of the complaint and, except as otherwise provided in subsection (2), the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately preceding the filing of the complaint.

(2) A person may file a complaint for divorce in any county in the state without meeting the 10-day requirement set forth in subsection (1) if all of the following apply and are set forth in the complaint:

(a) The defendant was born in, or is a citizen of, a country other than the United States of America.

(b) The parties to the divorce action have a minor child or children.

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(c) There is information that would allow the court to reasonably conclude that the minor child or children are at risk of being taken out of the United States of America and retained in another country by the defendant.

History: R.S. 1846, Ch. 84;—CL 1857, 3230;—CL 1871, 4741;—How. 6231;—Am. 1887, Act 137, Eff. Sept. 28, 1887;—Am. 1895, Act 202, Eff. Aug. 30, 1895;—Am. 1897, Act 116, Eff. Aug. 30, 1897;—CL 1897, 8624;—Am. 1899, Act 210, Eff. Sept. 23, 1899;—CL 1915, 11400;—CL 1929, 12731;—Am. 1931, Act 139, Imd. Eff. May 21, 1931;—Am. 1941, Act 2, Eff. Jan. 10, 1942;—Am. 1947, Act 323, Eff. Oct. 11, 1947;—CL 1948, 552.9;—Am. 1953, Act 174, Eff. Oct. 2, 1953;—Am. 1956, Act 95, Eff. Aug. 11, 1956;—Am. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1959, Act 174, Eff. Mar. 19, 1960;—Am. 1974, Act 344, Imd. Eff. Dec. 21, 1974;—Am. 1989, Act 217, Imd. Eff. Nov. 27, 1989.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9a Decree of divorce; conditions.

Sec. 9a. No decree of divorce shall be granted in any case except when 1 of the following facts exists:

(a) The defendant is domiciled in this state at the time the bill of complaint for divorce is filed.

(b) The defendant shall have been domiciled in this state when the cause for divorce alleged in the bill or petition arose.

(c) The defendant shall have been brought in by publication or shall have been personally served with process in this state, or shall have been personally served with a copy of the order for appearance and publication within this state, or elsewhere, or has voluntarily appeared in the action or proceeding. Whenever any such order shall be served outside this state, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a notary public, and when such affidavit shall be made outside this state it shall have attached the certificate of the clerk of a court of record, certifying to the official character of the notary and the genuineness of his or her signature to the jurat of the affidavit.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1991, Act 147, Imd. Eff. Nov. 25, 1991.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9b, 552.9c Repealed. 1958, Act 227, Imd. Eff. May 26, 1958.

Compiler's note: The repealed sections provided that actions for divorce should be commenced by filing praecipe for summons with clerk, set forth requirements for filing, and provided for motion or petition for immediate relief.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9d Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to the occurrence of desertion.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9e Divorce; cause occurring out of state, residence.

Sec. 9e. Whenever the cause for divorce charged in the bill or petition has occurred out of this state, no decree of divorce shall be granted unless the complainant or defendant shall have resided in this state 1 year immediately preceding the filing of the bill of complaint for the divorce. Absence from this state for not to exceed 90 days shall not be construed as to interfere with the fulfillment of the 1-year residence requirement provided in the case of causes for divorce occurring without this state.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9f Divorce; taking of testimony; minor children; perpetuating testimony; nonresident defendant, residence of plaintiff.

Sec. 9f. No proofs or testimony shall be taken in any case for divorce until the expiration of 60 days from

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the time of filing the bill of complaint, except where the cause for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony. In every case where there are dependent minor children under the age of 18 years, no proofs or testimony shall be taken in such cases for divorce until the expiration of 6 months from the day the bill of complaint is filed. In cases of unusual hardship or such compelling necessity as shall appeal to the conscience of the court, upon petition and proper showing, it may take testimony at any time after the expiration of 60 days from the time of filing the bill of complaint. Testimony may be taken conditionally at any time for the purpose of perpetuating such testimony. When the defendant in any case for divorce is not domiciled in this state at the time of commencing the suit or shall not have been domiciled herein at the time the cause for divorce arose, before any decree of divorce shall be granted the complainant must prove that the parties have actually lived and cohabited together as husband and wife within this state, or that the complainant has in good faith resided in this state for 1 year immediately preceding the filing of the bill of complaint for divorce.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.10 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to collusion or misconduct of parties.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.11 Action for divorce; answer without oath.

Sec. 11. An action for a divorce may be brought by a wife or a husband, and in all cases the respondent may answer the bill without oath or affirmation.

History: R.S. 1846, Ch. 84;—CL 1857, 3232;—CL 1871, 4743;—How. 6233;—CL 1897, 8626;—CL 1915, 11402;—CL 1929, 12733;—CL 1948, 552.11;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.12 Suit; conduct, power of court.

Sec. 12. Suits to annul or affirm a marriage, or for a divorce, shall be conducted in the same manner as other suits in courts of equity; and the court shall have the power to award issues, to decree costs, and to enforce its decrees, as in other cases.

History: R.S. 1846, Ch. 84;—CL 1857, 3233;—CL 1871, 4744;—How. 6234;—CL 1897, 8627;—CL 1915, 11403;—CL 1929, 12734;—CL 1948, 552.12.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.13 Alimony; costs; termination.

Sec. 13. (1) In every action brought, either for a divorce or for a separation, the court may require either party to pay alimony for the suitable maintenance of the adverse party, to pay such sums as shall be deemed proper and necessary to conserve any real or personal property owned by the parties or either of them, and to pay any sums necessary to enable the adverse party to carry on or defend the action, during its pendency. It may award costs against either party and award execution for the same, or it may direct such costs to be paid out of any property sequestered, or in the power of the court, or in the hands of a receiver.

(2) An award of alimony may be terminated by the court as of the date the party receiving alimony remarries unless a contrary agreement is specifically stated in the judgment of divorce. Termination of an award under this subsection shall not affect alimony payments which have accrued prior to that termination.

History: R.S. 1846, Ch. 84;—CL 1857, 3234;—CL 1871, 4745;—How. 6235;—CL 1897, 8628;—CL 1915, 11404;—CL 1929, 12735;—CL 1948, 552.13;—Am. 1951, Act 18, Imd. Eff. Apr. 5, 1951;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1974, Act 364, Eff. Apr. 1, 1975.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)

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552.14 Action for annulment, divorce, or separate maintenance; entering personal protection order.

Sec. 14. (1) On the motion of a party at any time after the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, the court may at any time during the pendency of the action prohibit a party from imposing any restraint on the moving party's personal liberty by entering a personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

(2) On the motion of a party, before or at the time of a judgment of divorce, order for separate maintenance, or decree of annulment, regardless of whether a personal protection order has been issued under subsection (1), the court may enter a personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

History: R.S. 1846, Ch. 84;—CL 1857, 3235;—CL 1871, 4746;—How. 6236;—CL 1897, 8629;—CL 1915, 11405;—CL 1929, 12736;—CL 1948, 552.14;—Am. 1978, Act 318, Imd. Eff. July 10, 1978;—Am. 1983, Act 229, Imd. Eff. Nov. 28, 1983;—Am. 1994, Act 57, Eff. July 1, 1994;—Am. 1994, Act 342, Eff. Apr. 1, 1996;—Am. 1994, Act 417, Eff. Apr. 1, 1995.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.15 Care, custody, and support of minor children during pendency of action; support order; enforcement.

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter orders concerning the care, custody, and support of the minor children of the parties during the pendency of the action as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, and as the court considers proper and necessary. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3236;—CL 1871, 4747;—How. 6237;—CL 1897, 8630;—CL 1915, 11406;—CL 1929, 12737;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.15;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.16 Care, custody, and support of minor child after annulment or judgment of divorce or separate maintenance; enforcement.

Sec. 16. (1) Upon annulling a marriage or entering a judgment of divorce or separate maintenance, the court may enter the orders it considers just and proper concerning the care, custody, and, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, support of a minor child of the parties. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3237;—CL 1871, 4748;—How. 6238;—CL 1897, 8631;—CL 1915, 11407;—Am. 1929, Act 254, Eff. Aug. 28, 1929;—CL 1929, 12738;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.16;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

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552.16a Repealed. 2001, Act 107, Eff. Sept. 30, 2001.

Compiler's note: The repealed section pertained to support of child after child reaches 18 years of age.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.17 Revision and alteration of judgment concerning care, custody, maintenance, and support of children; enforceability of order.

Sec. 17. (1) After entry of a judgment concerning annulment, divorce, or separate maintenance and on the petition of either parent, the court may revise and alter a judgment concerning the care, custody, maintenance, and support of some or all of the children, as the circumstances of the parents and the benefit of the children require.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

History: R.S. 1846, Ch. 84;—CL 1857, 3238;—CL 1871, 4749;—How. 6239;—CL 1897, 8632;—CL 1915, 11408;—CL 1929, 12739;—CL 1948, 552.17;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.17a Jurisdiction of court; application for modification of judgment or order; waiver of contempt.

Sec. 17a. (1) The court has jurisdiction to make an order or judgment relative to the minor children of the parties as authorized in this chapter to award custody of each child to 1 of the parties or a third person until each child has attained the age of 18 years and may require either parent to pay for the support of each child until each child attains that age. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as authorized in this chapter for a child of the parties to provide support for the child after the child reaches 18 years of age.

(2) Upon an application for modification of a judgment or order when applicant is in contempt, for cause shown, the court may waive the contempt and proceed to a hearing without prejudice to applicant's rights and render a determination on the merits.

History: Add. 1939, Act 255, Eff. Sept. 29, 1939;—CL 1948, 552.17a;—Am. 1954, Act 2, Eff. Aug. 13, 1954;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 7, Imd. Eff. Feb. 14, 2002.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.18 Rights or contingent rights in and to vested or unvested benefits or accumulated contributions as part of marital estate subject to award by court; amendment of court order to satisfy requirements of eligible domestic relations order.

Sec. 18. (1) Any rights in and to vested pension, annuity, or retirement benefits, or accumulated contributions in any pension, annuity, or retirement system, payable to or on behalf of a party on account of service credit accrued by the party during marriage shall be considered part of the marital estate subject to award by the court under this chapter.

(2) Any rights or contingent rights in and to unvested pension, annuity, or retirement benefits payable to or on behalf of a party on account of service credit accrued by the party during marriage may be considered part of the marital estate subject to award by the court under this chapter where just and equitable.

(3) Upon motion of a party or upon consent of the parties, an order of the court under this section entered before the effective date of the amendatory act that added this subsection shall be amended to satisfy the requirements of an eligible domestic relations order and to effectuate the intent of the parties or the ruling of the court. As used in this subsection, “eligible domestic relations order” means a domestic relations order that is an eligible domestic relations order under the eligible domestic relations order act.

History: Add. 1985, Act 43, Imd. Eff. June 13, 1985;—Am. 1991, Act 86, Imd. Eff. July 18, 1991.

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Compiler's note: Former MCL 552.18, pertaining to disposition of real estate to wife, was repealed by 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.19 Restoration of real and personal estate to parties.

Sec. 19. Upon the annulment of a marriage, a divorce from the bonds of matrimony or a judgment of separate maintenance, the court may make a further judgment for restoring to either party the whole, or such parts as it shall deem just and reasonable, of the real and personal estate that shall have come to either party by reason of the marriage, or for awarding to either party the value thereof, to be paid by either party in money.

History: R.S. 1846, Ch. 84;—CL 1857, 3240;—CL 1871, 4751;—How. 6241;—CL 1897, 8634;—CL 1915, 11410;—CL 1929, 12741;—CL 1948, 552.19;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.20 Real and personal property or money in lieu thereof; delivery or payment to trustee; investment; application of income.

Sec. 20. Upon every divorce, and upon every divorce from bed and board for any cause, if any real and personal estate of either party, or money in lieu of the real or personal estate is awarded to either party as provided in section 19, the court, instead of ordering it to be delivered or paid to either party, may order it to be delivered or paid to a trustee or trustees, to be appointed by the court, upon trust to invest it, and to apply the income from it to the support and maintenance of either party, and of the children of the marriage, or any of them, in the manner as the court shall direct.

History: R.S. 1846, Ch. 84;—CL 1857, 3241;—CL 1871, 4752;—How. 6242;—CL 1897, 8635;—CL 1915, 11411;—CL 1929, 12742;—CL 1948, 552.20;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.21 Payment of principal sum on court order; bonds.

Sec. 21. Such trustees shall also pay over the principal sum to either party and children of the marriage, when ordered by the court, in such proportions, and at such times as the court shall direct, regard being had, in the disposition of the income, as well as of the principal sum, to the situation and circumstances of either party and their children; and the trustees shall give such bonds as the court shall require, for the faithful performance of their trust.

History: R.S. 1846, Ch. 84;—CL 1857, 3242;—CL 1871, 4753;—How. 6243;—CL 1897, 8636;—CL 1915, 11412;—CL 1929, 12743;—CL 1948, 552.21;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.22 Disclosure of property.

Sec. 22. Whenever the court shall think proper to award to either party any of the real and personal estate of either party, or any money in lieu thereof, such court may require either party to disclose on oath, what real and personal estate has come to either party by reason of the marriage, and how it has been disposed of, and what portion thereof still remains in the hands of either party.

History: R.S. 1846, Ch. 84;—CL 1857, 3243;—CL 1871, 4754;—How. 6244;—CL 1897, 8637;—CL 1915, 11413;—CL 1929, 12744;—CL 1948, 552.22;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.23 Judgment of divorce or separate maintenance; further award of real and personal estate; transmittal of payments to department of human services; service fee; failure or refusal to pay service fee; contempt; “state disbursement unit” or “SDU” defined.

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Sec. 23. (1) Upon entry of a judgment of divorce or separate maintenance, if the estate and effects awarded to either party are insufficient for the suitable support and maintenance of either party and any children of the marriage who are committed to the care and custody of either party, the court may also award to either party the part of the real and personal estate of either party and spousal support out of the real and personal estate, to be paid to either party in gross or otherwise as the court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case.

(2) Upon certification by a county department of human services that a complainant or petitioner in a proceeding under this chapter is receiving public assistance either personally or for children of the marriage, payments received by the friend of the court or the state disbursement unit for the support and education of the children or maintenance of the party shall be transmitted to the department of human services.

(3) If the court appoints the friend of the court custodian, receiver, trustee, or escrow agent of assets owned by a husband and wife, or either of them, the court may fix the amount of the fee for such service, to be turned over to the county treasurer and credited to the general fund of the county. The court may hold in contempt a person who fails or refuses to pay a fee ordered under this subsection.

(4) As used in this section and section 24, "state disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: R.S. 1846, Ch. 84;—CL 1857, 3244;—CL 1871, 4755;—Am. 1877, Act 91, Eff. Aug. 21, 1877;—How. 6245;—CL 1897, 8638;—CL 1915, 11414;—CL 1929, 12745;—Am. 1947, Act 133, Eff. Oct. 11, 1947;—CL 1948, 552.23;—Am. 1951, Act 130, Eff. Sept. 28, 1951;—Am. 1958, Act 81, Eff. Sept. 13, 1958;—Am. 1964, Act 11, Eff. Aug. 28, 1964;—Am. 1967, Act 73, Eff. Jan. 1, 1968;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 175, Imd. Eff. Dec. 2, 1971;—Am. 1983, Act 193, Imd. Eff. Nov. 1, 1983;—Am. 1999, Act 159, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 234, Imd. Eff. Jan. 8, 2010.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.24 Centralized receipt and disbursement of support and fees.

Sec. 24. The SDU is responsible for the centralized receipt and disbursement of support. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 159, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 234, Imd. Eff. Jan. 8, 2010.

Compiler's note: Former MCL 552.24, which pertained to right of wife to dower, was repealed by Act 75 of 1971, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.27 Alimony or allowance for support and education of children as lien; default; powers of court.

Sec. 27. If alimony or an allowance for the support and education of the children is awarded to either party, the amount of the alimony or allowance constitutes a lien upon the real and personal estate of the adverse party as provided in section 25a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.65a. The court may do 1 or more of the following if the party defaults on the payment of the amount awarded:

(a) Order the sale of the property against which the lien is adjudged in the same manner and upon the same notice as in suits for the foreclosure of mortgage liens.

(b) Award execution for the collection of the judgment.

(c) Order the sequestration of the real and personal estate of either party and may appoint a receiver of the real estate or personal estate, or both, and cause the personal estate and the rents and profits of the real estate to be applied to the payment of the judgment.

(d) Award a division between the husband and wife of the real and personal estate of either party or of the husband and wife by joint ownership or right as the court considers equitable and just.

History: R.S. 1846, Ch. 84;—CL 1857, 3248;—Am. 1865, Act 255, Eff. June 22, 1865;—CL 1871, 4759;—Am. 1877, Act 44, Eff. Aug. 21, 1877;—How. 6247;—Am. 1897, Act 197, Eff. Aug. 30, 1897;—CL 1897, 8640;—CL 1915, 11416;—CL 1929, 12747;—CL 1948, 552.27;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1998, Act 96, Eff. Aug. 10, 1998.

Compiler's note: At the end of the first sentence of the first paragraph of this section, the reference to “1982 PA 295, MCL 552.65a” evidently should read “1982 PA 295, MCL 552.625a.”

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)

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552.28 Judgment for alimony or allowance or for appointment of trustees; revision or alteration.

Sec. 28. On petition of either party, after a judgment for alimony or other allowance for either party or a child, or after a judgment for the appointment of trustees to receive and hold property for the use of either party or a child, and subject to section 17, the court may revise and alter the judgment, respecting the amount or payment of the alimony or allowance, and also respecting the appropriation and payment of the principal and income of the property held in trust, and may make any judgment respecting any of the matters that the court might have made in the original action.

History: R.S. 1846, Ch. 84;—CL 1857, 3249;—CL 1871, 4760;—How. 6248;—CL 1897, 8641;—CL 1915, 11417;—CL 1929, 12748;—CL 1948, 552.28;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 290, Eff. Jan. 1, 1993.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.29 Presumption of legitimacy.

Sec. 29. The legitimacy of all children begotten before the commencement of any action under this act shall be presumed until the contrary be shown.

History: R.S. 1846, Ch. 84;—CL 1857, 3250;—CL 1871, 4761;—How. 6249;—CL 1897, 8642;—CL 1915, 11418;—CL 1929, 12749;—CL 1948, 552.29;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.30 Legitimacy of issue; dissolution of marriage.

Sec. 30. Upon the dissolution of a marriage because of a party's non-age at the time of the marriage, or because a party was otherwise not capable in law of contracting at the time of the marriage, the issue of the marriage are in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3251;—CL 1871, 4762;—How. 6250;—CL 1897, 8643;—CL 1915, 11419;—CL 1929, 12750;—CL 1948, 552.30;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.31 Legitimacy of issue; dissolution of bigamous marriage entered into in good faith.

Sec. 31. When a marriage is dissolved on account of a prior marriage of either party, and it shall appear that the second marriage was contracted in good faith, and with the full belief of the parties that the former wife or husband was dead, that fact shall be stated in the decree of divorce or nullity; and the issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3252;—CL 1871, 4763;—How. 6251;—CL 1897, 8644;—CL 1915, 11420;—CL 1929, 12751;—CL 1948, 552.31.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.34 Action to annul marriage of minor.

Sec. 34. An action to annul a marriage on the ground that 1 of the parties was under the age of legal consent, as provided in section 3 of Act No. 128 of the Public Acts of 1887, being section 551.103 of the Michigan Compiled Laws, may be brought by the parent or guardian entitled to the custody of the minor or by the next friend of the minor, but the marriage shall not be annulled on the application of a party who was of the age of legal consent at the time of the marriage, or when it appears that the parties, after they had attained the age of consent, had freely cohabited as husband and wife.

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, 3255;—CL 1871, 4766;—How. 6254;—CL 1897, 8646;—CL 1915, 11422;—CL 1929, 12753;—CL 1948, 552.34;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

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Popular name: No-Fault Divorce

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552.35 Marriage annulment; action by party's next friend.

Sec. 35. If, at the time of a marriage, a party to the marriage was not capable in law of contracting, an individual admitted by the court as the party's next friend may bring an action to annul the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3256;—CL 1871, 4767;—How. 6255;—CL 1897, 8647;—CL 1915, 11423;—CL 1929, 12754;—CL 1948, 552.35;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.36 Marriage annulment; action by party to marriage.

Sec. 36. A party to a marriage who, at the time of the marriage, was not capable in law of contracting and who later becomes capable in law of contracting may bring an action to annul the marriage. The court shall not, however, annul the marriage if the court finds that the parties cohabited as husband and wife after the party became capable in law of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3257;—CL 1871, 4768;—How. 6256;—CL 1897, 8648;—CL 1915, 11424;—CL 1929, 12755;—CL 1948, 552.36;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.37 Marriage annulment; ground of force or fraud; effect of voluntary cohabitation.

Sec. 37. No marriage shall be annulled on the ground of force or fraud, if it shall appear that, at any time before the commencement of the suit, there was a voluntary cohabitation of the parties as husband and wife.

History: R.S. 1846, Ch. 84;—CL 1857, 3258;—CL 1871, 4769;—How. 6257;—CL 1897, 8649;—CL 1915, 11425;—CL 1929, 12756;—CL 1948, 552.37.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.38 Marriage annulment; ground of force or fraud; custody and maintenance of issue.

Sec. 38. If there shall be any issue of a marriage, annulled on the ground of force or fraud, the court shall decree their custody to the innocent parent, and may also decree a provision for their education and maintenance out of the estate and property of the guilty party.

History: R.S. 1846, Ch. 84;—CL 1857, 3259;—CL 1871, 4770;—How. 6258;—CL 1897, 8650;—CL 1915, 11426;—CL 1929, 12757;—CL 1948, 552.38.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.39 Marriage annulment; ground of physical incapacity; party to maintain; time limitation of suit.

Sec. 39. A suit to annul a marriage, on the ground of the physical incapacity of 1 of the parties, shall only be maintained by the injured party, against the party whose incapacity is alleged; and shall, in all cases, be brought within 2 years from the solemnization of the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3260;—CL 1871, 4771;—How. 6259;—CL 1897, 8651;—CL 1915, 11427;—CL 1929, 12758;—CL 1948, 552.39.

Popular name: No-Fault Divorce

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552.40-552.42 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed sections pertained to divorce decrees, adultery, and orders for support and maintenance of wife and children.

Popular name: No-Fault Divorce

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Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.43 Divorce from bed and board; decree; limited time, revocation.

Sec. 43. When a decree of divorce from bed and board forever, or for a limited time, shall have been pronounced, it may be revoked at any time thereafter, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and their producing satisfactory evidence of their reconciliation.

History: R.S. 1846, Ch. 84;—CL 1857, 3264;—CL 1871, 4775;—How. 6263;—CL 1897, 8655;—CL 1915, 11431;—CL 1929, 12762;—CL 1948, 522.43.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.44 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to testimony taken before a circuit court commissioner.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.45 Children; enumeration in complaint; notice to prosecutor of friend of court; decree opposition, interest of prosecutor or partners in case.

Sec. 45. Every bill of complaint filed shall set forth the names and ages of all children of the marriage, and if there are children under 17 years of age a copy of the summons issued in the cause shall be served upon the prosecuting attorney of the county where suit is commenced, or upon the friend of the court in those counties having a population of 500,000 or more that have a friend of the court. The prosecuting attorney or friend of the court so served may enter his or her appearance in the cause, and if, in his or her judgment, the interest of the children or the public good so requires, he or she shall introduce evidence and appear at the hearing and oppose the granting of a decree of divorce. In a case in which there are no children the issue of such marriage under the age of 17 years, if it appears to the court that the public good requires, an order may be entered requiring the prosecuting attorney or friend of the court in counties having a population of 500,000 or more to appear and oppose the granting of a decree of divorce. Nothing in this act prevents prosecuting attorneys or their partners from acting as solicitors or counsel for either party to the suit. If a prosecuting attorney or friend of the court is in any way interested as solicitor or counsel for either of the parties the court shall appoint some reputable attorney to perform the services of prosecuting attorney, as provided in this act, who shall receive the compensation provided for such service.

History: Add. 1887, Act 137, Eff. Sept. 28, 1887;—How. 6263b;—CL 1897, 8657;—Am. 1907, Act 315, Eff. Sept. 28, 1907;—Am. 1909, Act 284, Eff. Sept. 1, 1909;—CL 1915, 11433;—Am. 1919, Act 397, Eff. Aug. 14, 1919;—CL 1929, 12764;—Am. 1931, Act 44, Eff. Sept. 18, 1931;—CL 1948, 552.45;—Am. 1963, Act 13, Eff. Sept. 6, 1963;—Am. 2004, Act 376, Imd. Eff. Oct. 11, 2004.

Popular name: No-Fault Divorce

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