

SENATE BILL No. 545

June 30, 2011, Introduced by Senators GLEASON, MOOLENAAR, GREEN, EMMONS, HILDENBRAND, CASWELL, HUNTER, MEEKHOF, JANSEN, JONES and KOWALL 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 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (6) AND (7), THE
2 PARTIES TO A DIVORCE SHALL COMPLETE A DIVORCE EFFECTS PROGRAM AND
3 SHALL COMPLETE A QUESTIONNAIRE AS PROVIDED IN THIS SECTION BEFORE
4 ENTRY OF THE JUDGMENT OF DIVORCE. THIS SUBSECTION APPLIES ONLY IF 1
5 OR MORE OF THE FOLLOWING ARE TRUE:

6 (A) THE PARTIES ARE THE PARENTS OF A MINOR CHILD.

7 (B) EITHER PARTY IS THE PHYSICAL CUSTODIAN OF A MINOR CHILD AT
8 THE TIME THE COMPLAINT FOR DIVORCE IS FILED.

9 (C) THE WIFE IS PREGNANT AND, AFTER THE CHILD IS BORN, THE

HUSBAND WOULD BE THE CHILD'S PRESUMED FATHER. IF THE PREGNANCY IS DISCOVERED AFTER THE COMPLAINT IS FILED, BUT BEFORE ENTRY OF THE JUDGMENT OF DIVORCE, THE COURT SHALL NOT ENTER THE JUDGMENT UNTIL THE PARTIES COMPLY WITH THIS SECTION.

(2) PARTIES TO WHOM SUBSECTION (1) APPLIES SHALL COMPLETE A DIVORCE EFFECTS PROGRAM COVERING AT LEAST ALL OF THE FOLLOWING SUBJECTS:

(A) IN RELATION TO A CHILD INVOLVED IN THE ACTION:

(i) DEVELOPMENTAL STAGES.

(ii) RESPONSES TO DIVORCE.

(iii) SYMPTOMS OF MALADJUSTMENT TO DIVORCE AND RESPONSES TO MALADJUSTMENT.

(iv) EDUCATION OR COUNSELING OPTIONS FOR THE CHILD.

(B) IN RELATION TO THE PARTIES:

(i) COMMUNICATION SKILLS.

(ii) CONFLICT RESOLUTION SKILLS.

(iii) EMOTIONAL ADJUSTMENT, FAMILY ADJUSTMENT, FINANCIAL ADJUSTMENT, AND WORK ADJUSTMENT TECHNIQUES.

(iv) STRESS REDUCTION.

(v) PARALLEL AND COOPERATIVE PARENTING TECHNIQUES.

(vi) RECONCILIATION AND COUNSELING OPTIONS, AND REMARRIAGE ISSUES.

(vii) SUBSTANCE ABUSE INFORMATION AND REFERRAL.

(C) COURT PROCEDURE AND PROCESS AS DESCRIBED IN INFORMATION AVAILABLE FROM THE RELEVANT OFFICE OF THE FRIEND OF THE COURT.

(3) PARTIES TO WHOM SUBSECTION (1) APPLIES SHALL COMPLETE A QUESTIONNAIRE BEFORE COMPLETING THE DIVORCE EFFECTS PROGRAM UNDER

1 SUBSECTION (2). A COMPLETED QUESTIONNAIRE SHALL BE CONFIDENTIAL,
2 SHALL BE REVIEWED ONLY BY THE PROGRAM PROVIDER AND THE COURT OR
3 COURT STAFF OR, DURING A CRIMINAL INVESTIGATION, BY A LAW
4 ENFORCEMENT OFFICER OR A PROSECUTOR, SHALL NOT BE A PART OF THE
5 PUBLIC RECORD OF THAT DIVORCE ACTION, AND IS EXEMPT FROM THE
6 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE
7 QUESTIONNAIRE SHALL INCLUDE THE FOLLOWING QUESTIONS AS TO WHETHER
8 THE DIVORCE WILL:

9 (A) IMPROVE, MAINTAIN, OR DIMINISH THE LOVE, AFFECTION, AND
10 OTHER EMOTIONAL TIES EXISTING BETWEEN THE PARTIES INVOLVED AND THE
11 CHILD.

12 (B) IMPROVE, MAINTAIN, OR DIMINISH THE CAPACITY AND
13 DISPOSITION OF THE PARTIES INVOLVED TO GIVE THE CHILD LOVE,
14 AFFECTIONS, AND GUIDANCE AND TO CONTINUE THE EDUCATION AND RAISING
15 OF THE CHILD IN THE CHILD'S RELIGION OR CREED, IF ANY.

16 (C) IMPROVE, MAINTAIN, OR DIMINISH THE CAPACITY AND
17 DISPOSITION OF THE PARTIES INVOLVED TO PROVIDE THE CHILD WITH FOOD,
18 CLOTHING, MEDICAL CARE, OR OTHER REMEDIAL CARE RECOGNIZED AND
19 PERMITTED UNDER THE LAWS OF THIS STATE IN PLACE OF MEDICAL CARE AND
20 OTHER MATERIAL NEEDS.

21 (D) UPSET A STABLE, SATISFACTORY ENVIRONMENT.

22 (E) RESULT IN A SUITABLE LIVING ARRANGEMENT FOR THE CHILD
23 INVOLVED.

24 (F) IMPROVE, MAINTAIN, OR DIMINISH THE MENTAL AND PHYSICAL
25 HEALTH OF THE PARTIES INVOLVED.

26 (G) IMPROVE, MAINTAIN, OR DIMINISH THE SCHOOL AND COMMUNITY
27 RECORD OF THE CHILD.

1 (H) IMPROVE, MAINTAIN, OR DIMINISH THE WILLINGNESS AND ABILITY
2 OF EACH OF THE PARENTS TO FACILITATE AND ENCOURAGE A CLOSE AND
3 CONTINUING PARENT AND CHILD RELATIONSHIP BETWEEN THE CHILD AND THE
4 OTHER PARENT.

5 (I) REDUCE DOMESTIC VIOLENCE OR MENTAL ANGUISH OF ANY OF THE
6 PARTIES INVOLVED.

7 (4) THE PROVIDER OF A DIVORCE EFFECTS PROGRAM UNDER THIS
8 SECTION SHALL ISSUE A CERTIFICATE TO EACH INDIVIDUAL WHO COMPLETES
9 THE PROGRAM INDICATING THAT COMPLETION.

10 (5) IF THE INDIVIDUAL CONDUCTING A DIVORCE EFFECTS PROGRAM
11 UNDER THIS SECTION IS AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS
12 INSTITUTION, THE PROGRAM MAY OMIT A SUBJECT LISTED IN SUBSECTION
13 (2) IF TRAINING OR EDUCATION ON THAT SUBJECT WOULD VIOLATE A TENET
14 OF THE RELIGIOUS INSTITUTION.

15 (6) A COURT SHALL NOT ORDER A PARTY TO A MARRIAGE TO
16 PARTICIPATE IN A DIVORCE EFFECTS PROGRAM IF THE PARTY FILES A SWORN
17 STATEMENT STATING THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE
18 BY THE OTHER PARTY. THE SWORN STATEMENT SHALL BE CONFIDENTIAL,
19 SHALL BE REVIEWED ONLY BY THE COURT OR, DURING A CRIMINAL
20 INVESTIGATION, BY A LAW ENFORCEMENT OFFICER OR A PROSECUTOR, AND
21 SHALL NOT BE A PART OF THE PUBLIC RECORD OF THAT DIVORCE ACTION.
22 THE SWORN STATEMENT IS EXEMPT FROM THE FREEDOM OF INFORMATION ACT,
23 1976 PA 442, MCL 15.231 TO 15.246. THE COURT MAY OTHERWISE EXCUSE A
24 PARTY TO A DIVORCE ACTION FROM ATTENDING A DIVORCE EFFECTS PROGRAM
25 FOR GOOD CAUSE INCLUDING, BUT NOT LIMITED TO, AVAILABILITY OF THE
26 PROGRAM OR THE PARTY'S ABILITY TO PAY. IF A PARTY IS NOT EXEMPT OR
27 EXCUSED FROM A DIVORCE EFFECTS PROGRAM AS PROVIDED IN THIS

1 SUBSECTION AND THE PARTY FAILS TO COMPLETE A DIVORCE EFFECTS
2 PROGRAM, THE COURT MAY HOLD THE PARTY IN CONTEMPT, PUNISHABLE AS
3 PROVIDED IN THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
4 600.101 TO 600.9947, OR MAY IMPOSE ANOTHER SANCTION REASONABLE IN
5 THE CIRCUMSTANCES, AND MAY ENTER A JUDGMENT OF DIVORCE DESPITE THE
6 PARTY'S FAILURE TO COMPLETE A DIVORCE EFFECTS PROGRAM.

7 (7) IF A COURT HAS INSTITUTED A PROGRAM SIMILAR TO A DIVORCE
8 EFFECTS PROGRAM DESCRIBED UNDER SUBSECTION (1) BEFORE THE EFFECTIVE
9 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COURT IS IN
10 COMPLIANCE WITH THIS SECTION AND IS NOT REQUIRED TO INSTITUTE OR
11 ORDER ANOTHER PROGRAM.

12 (8) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT
13 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.