

HOUSE BILL NO. 4629

June 10, 2025, Introduced by Reps. Morgan, Pohutsky, Rogers, Rheingans, McFall, Hoskins, Dievendorf, Wooden, Wilson, Hope, Byrnes, Price, Tsernoglou, Coffia, Skaggs, Weiss, Brixie, Glanville, Conlin, Mentzer, Foreman, Longjohn, McKinney, Scott and Wegela and referred to Committee on Government Operations.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
by amending sections 9f, 23, 27, 36, and 37 (MCL 552.9f, 552.23, 552.27, 552.36, and 552.37), section 23 as amended by 2009 PA 234, section 27 as amended by 1998 PA 96, and section 36 as amended by 2001 PA 107.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9f. ~~No~~**A court shall not take** proofs or testimony ~~shall~~
2 ~~be taken in any case for a~~ divorce **action** until ~~the expiration of~~

1 60 days ~~from~~**after** the ~~time of filing the bill of~~ complaint **is**
 2 **filed**, except ~~where~~**if** the cause for divorce is desertion, or ~~when~~
 3 **if** the testimony is taken conditionally for the purpose of
 4 perpetuating ~~such~~ testimony. In ~~every case~~**an action for divorce**
 5 where there are dependent minor children under the age of 18 years,
 6 ~~no the courts shall not take~~ proofs or testimony ~~shall be taken in~~
 7 ~~such cases for divorce until the expiration of 6 months from~~**after**
 8 the day the ~~bill of~~ complaint is filed. In ~~cases of~~**If there is**
 9 unusual hardship or ~~such~~ compelling necessity ~~as shall appeal that~~
 10 **appeals** to the conscience of the court, ~~upon~~**on** petition and a
 11 proper showing, ~~it the court~~ may take testimony at any time after
 12 the ~~expiration of 60 days from~~**after** the ~~time of filing the bill of~~
 13 complaint **is filed**. Testimony may be taken conditionally at any
 14 time for the purpose of perpetuating ~~such~~ testimony. ~~When~~**If** the
 15 defendant in ~~any case for a~~ divorce **action** is not domiciled in this
 16 state at the time of commencing the ~~suit~~**action** or ~~shall was~~ not
 17 ~~have been domiciled herein in this state~~ at the time the cause for
 18 divorce arose, before ~~any decree~~**a judgment** of divorce ~~shall be~~**is**
 19 granted the ~~complainant~~**plaintiff** must prove that the parties have
 20 actually lived and cohabited together as ~~husband and wife~~**spouses**
 21 within this state, or that the ~~complainant~~**plaintiff** has in good
 22 faith resided in this state for 1 year immediately preceding the
 23 filing of the ~~bill of~~ complaint for divorce.

24 Sec. 23. (1) ~~Upon~~**On** entry of a judgment of divorce or
 25 separate maintenance, if the estate and effects awarded to either
 26 party are insufficient for the suitable support and maintenance of
 27 either party and any children of the marriage who are committed to
 28 the care and custody of either party, the court may also award to
 29 either party the part of the real and personal estate of either

1 party and spousal support out of the real and personal estate, to
 2 be paid to either party in gross or otherwise as the court
 3 considers just and reasonable, after considering the ability of
 4 either party to pay and the character and situation of the parties,
 5 and all the other circumstances of the case.

6 (2) ~~Upon~~**On** certification by a county department of **health and**
 7 human services that a ~~complainant~~**plaintiff** or petitioner in a ~~an~~
 8 **action or** proceeding under this chapter is receiving public
 9 assistance either personally or for children of the marriage,
 10 payments received by the friend of the court or the state
 11 disbursement unit for the support and education of the children or
 12 maintenance of the party ~~shall~~**must** be transmitted to the
 13 department of **health and** human services.

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

21 (4) As used in this section and section 24, "state
 22 disbursement unit" or "SDU" means the entity established in section
 23 6 of the office of child support act, 1971 PA 174, MCL 400.236.

24 Sec. 27. If alimony or an allowance for the support and
 25 education of the children is awarded to either party, the amount of
 26 the alimony or allowance constitutes a lien ~~upon~~**on** the real and
 27 personal estate of the adverse party as provided in section 25a of
 28 the support and parenting time enforcement act, 1982 PA 295, MCL
 29 ~~552.65a.~~**552.625a**. The court may do 1 or more of the following if

1 the party defaults on the payment of the amount awarded:

2 (a) Order the sale of the property against which the lien is
3 adjudged in the same manner and ~~upon~~**on** the same notice as in ~~suits~~
4 **actions** for the foreclosure of mortgage liens.

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

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

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

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

21 Sec. 37. ~~No~~**A court shall not annul a** marriage ~~shall be~~
22 ~~annulled~~ on the ground of force or fraud, if it ~~shall appear~~
23 **appears** that, at any time before the commencement of the ~~suit,~~
24 ~~there was a voluntary cohabitation of~~**action**, the parties
25 **voluntarily cohabited** as ~~husband and wife~~**spouses**.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Joint Resolution ____ (request no. S00781'25) or
28 House Joint Resolution F (request no. H00781'25) of the 103rd
29 Legislature becomes a part of the state constitution of 1963 as

1 provided in section 1 of article XII of the state constitution of
2 1963.