

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

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[SB 0545](#) (Gleason) Family law; marriage and divorce; divorce; require a divorce effects program before entry of judgment of divorce. Amends 1846 RS 84 (MCL [552.1](#) - [552.45](#)) by adding sec. 5.

Date position was adopted:

November 5, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

SB 545 would compel parties to a divorce to complete a divorce effects program (a four-hour version of the SMILE program), and to complete a "confidential" questionnaire. The questions in the questionnaire focus primarily on the damaging effects of divorce. The questionnaire is not part of the court file, but may be reviewed by the court, court personnel, the divorce effects program provider, a law enforcement officer or a prosecutor. The Family Law Section believes that the divorce effects program duplicates the existing SMILE program. The questionnaire focused primarily on the damaging effects of divorce, and seemed designed to pressure the filing spouse to drop the action. The questionnaire sheds little light on the issues the court must decide. The questionnaire is concealed from the other party, but may be reviewed by the court and court personnel, a violation of the ban on ex parte communication with the court. Compelling a party to answer a questionnaire that can be used by law enforcement officials violates the parties' right against self-incrimination. The Family Law Section opposes this bill.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2011-SB-0545>