

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

Family Law Section

**Contact person:**

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[SB 1127](#) (McManus) Family law; marriage and divorce; no-fault divorces; eliminate under certain circumstances. Amends secs. 6 & 7 of 1846 RS 84 (MCL [552.6](#) & [552.7](#)).

**Date position was adopted:**

March 6, 2010

**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:**

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

SB 1127 requires the parties to plead and prove fault as a requisite to a divorce or judgment for separate maintenance, unless there are no minor children AND the parties agree to the divorce. The grounds for divorce include that the defendant has committed adultery or deviate [sic] sexual intercourse (specifically defined) during the marriage, that the defendant was physically incompetent (not defined! at the time of the marriage, that defendant is sentenced to three or more years in prison, desertion for two or more years, substance abuse, or extreme cruelty.

This bill would not preserve good marriages, and would greatly increase the conflict and legal expense at the end of bad marriages. This conflict is especially corrosive to children. Under this bill a stay at home spouse would be helpless if the wage earning spouse deserted the family, having to wait two full years before filing for support, alimony or division of property. Even when both spouses agree that the marriage is over, a malignant spouse may withhold consent to obtain concessions from the spouse who wants out. 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?2010-SB-1127>