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BILL ANALYSIS

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House Bill 4685 (as reported without amendment)

Sponsor: Representative Francis R. Spaniola

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 11-6-89

RATIONALE

In order to be divorced in Michigan, at least one of the parties must have resided in the State for 180 days before the complaint is filed and at least one must have resided in the county of filing for at least 10 days immediately preceding the filing. Some people are concerned about the way the county residency requirement can serve to disclose where the complainant has been living--a matter of some consequence for parties who are threatened with harm or whose children may be in danger of abduction from the country by the other spouse. In Michigan, a couple incidents of this nature, involving fathers who retained their children in Iran and Turkey, have received publicity in recent years, and this problem appears to be growing. Reportedly, over 400 children in the United States each year are victims of international parental kidnapping, an offense that the Federal government will not pursue. While many agree that the best solution would be Congressional action, it has been suggested that a waiver of Michigan's 10-day residency requirement could help protect children who are at risk of being kidnapped out of the United States.

CONTENT

The bill would amend the divorce law to allow a person to file a complaint for divorce in Michigan without meeting the law's 10-day county residency requirement if all of the following applied and were set forth in the complaint:

- The defendant was born in, or was a citizen of, a foreign country.
- The parties to the divorce had a minor

child.

- There was information that would allow a court reasonably to conclude that the minor child was at risk of being taken from the United States and retained in another country by the defendant.

MCL 552.9

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bill would assure a degree of privacy and protection for people with a legitimate concern that filing for divorce will tip off a foreign spouse likely to kidnap their children and take them to a distant country. By being able to file in any county, rather than only in the county of residence, such people could keep their whereabouts a secret from the threatening spouse. The bill represents the first step toward allowing a person to file for divorce without revealing his or her place of residence.

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H.B. 4685 (11-6-89)