Legislative Analysis

TIMING OF PUBLIC DISCLOSURE OF DIVORCE FILINGS

House Bill 4195 as enacted
Public Act 175 of 2022
Sponsor: Rep. Pamela Hornberger
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 2-9-23

SUMMARY:

House Bill 4195 amends Chapter 84 (Of Divorce) of the Revised Statutes of 1846 to prohibit a complaint for divorce filed with the court from being made available to the public until the proof of service has been filed with the court. The prohibition is effective beginning October 1, 2022. However, an entity administering or providing services under Part D of Title IV of the federal Social Security Act may access a complaint for divorce made nonpublic under the prohibition. (Part D of Title IV pertains to child support and establishment of paternity.)

MCL 552.46a (added)

BRIEF DISCUSSION:

According to committee testimony, the timing of when divorce filings were made public meant that some were released to the public before the defendant had been served or received a notice. Supporters of the bill argued that this timing had a negative impact on abused spouses in situations where the abused spouse had filed for divorce and was attempting to find a safe place away from the abuser before the abuser was served with the divorce notice.

The bill was amended in the Senate to allow entities (such as the Friend of the Court) that provide services under Part D of Title IV of the Social Security Act, including child support services, to access the divorce complaint before it becomes public.

FISCAL IMPACT:

House Bill 4195 would have no fiscal impact on the state or on local units of government.

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