

HOUSE BILL No. 5166

October 9, 2001, Introduced by Reps. Vander Veen, Voorhees, Ehardt, Bradstreet, Kooiman, Birkholz, Hager, Kuipers, Pappageorge, Hummel and Jansen and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
(MCL 552.1 to 552.45) by adding sections 5 and 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5. (1) EXCEPT AS PROVIDED IN SUBSECTION (5), THE PAR-
2 TIES TO A DIVORCE SHALL COMPLETE, EITHER TOGETHER OR SEPARATELY,
3 A DIVORCE EFFECTS PROGRAM AS PROVIDED IN THIS SECTION BEFORE
4 ENTRY OF THE JUDGMENT OF DIVORCE. THIS SUBSECTION APPLIES ONLY
5 IF 1 OR MORE OF THE FOLLOWING ARE TRUE:

6 (A) THE PARTIES ARE A MINOR CHILD'S PARENTS.

7 (B) EITHER PARTY IS A MINOR CHILD'S PHYSICAL CUSTODIAN AT
8 THE TIME OF FILING THE COMPLAINT FOR DIVORCE.

9 (C) THE WIFE IS PREGNANT AND, AFTER THE CHILD IS BORN, THE
10 HUSBAND WOULD BE THE CHILD'S FATHER UNDER THE LAW. IF THE
11 PREGNANCY IS DISCOVERED AFTER THE COMPLAINT IS FILED, BUT BEFORE

1 ENTRY OF THE JUDGMENT OF DIVORCE, THE COURT SHALL NOT ENTER THE
2 JUDGMENT UNTIL THE PARTIES COMPLY WITH THIS SECTION.

3 (2) PARTIES TO WHOM SUBSECTION (1) APPLIES SHALL COMPLETE A
4 DIVORCE EFFECTS PROGRAM COVERING AT LEAST ALL OF THE FOLLOWING
5 SUBJECTS RELATED TO ISSUES ABOUT THE FOLLOWING:

6 (A) A CHILD INVOLVED IN THE ACTION:

7 (i) DEVELOPMENTAL STAGES.

8 (ii) RESPONSES TO DIVORCE.

9 (iii) SYMPTOMS OF MALADJUSTMENT TO DIVORCE AND RESPONSES TO
10 MALADJUSTMENT.

11 (iv) EDUCATION OR COUNSELING OPTIONS FOR THE CHILD.

12 (B) PARTIES TO THE ACTION:

13 (i) COMMUNICATION SKILLS.

14 (ii) CONFLICT RESOLUTION SKILLS.

15 (iii) EMOTIONAL ADJUSTMENT, FAMILY ADJUSTMENT, FINANCIAL
16 ADJUSTMENT, AND WORK ADJUSTMENT TECHNIQUES.

17 (iv) STRESS REDUCTION.

18 (v) PARALLEL AND COOPERATIVE PARENTING TECHNIQUES.

19 (vi) RECONCILIATION AND COUNSELING OPTIONS, AND REMARRIAGE
20 ISSUES.

21 (vii) SUBSTANCE ABUSE INFORMATION AND REFERRAL.

22 (C) COURT PROCEDURE AND PROCESS AS DESCRIBED IN INFORMATION
23 AVAILABLE FROM THE RELEVANT OFFICE OF THE FRIEND OF THE COURT.

24 (3) THE PROVIDER OF A DIVORCE EFFECTS PROGRAM SHALL ISSUE A
25 CERTIFICATE TO EACH INDIVIDUAL WHO COMPLETES THE PROGRAM INDICAT-
26 ING THAT COMPLETION.

1 (4) IF THE INDIVIDUAL CONDUCTING A PROGRAM DESCRIBED IN THIS
2 SECTION IS AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION
3 OR HIS OR HER DESIGNEE, THE PROGRAM MAY OMIT A SUBJECT LISTED IN
4 SUBSECTION (2) IF TRAINING, EDUCATION, OR COUNSELING ON THAT
5 SUBJECT WOULD VIOLATE A TENET OF THE RELIGIOUS INSTITUTION.

6 (5) THE COURT SHALL NOT ORDER A DIVORCE EFFECTS PROGRAM IF A
7 PARTY TO THE MARRIAGE FILES A SWORN STATEMENT STATING THAT THE
8 PARTY IS A VICTIM OF DOMESTIC VIOLENCE BY THE OTHER PARTY. THE
9 COURT MAY OTHERWISE EXCUSE A PARTY TO A DIVORCE ACTION FROM
10 ATTENDING A DIVORCE EFFECTS PROGRAM FOR GOOD CAUSE. IF A PARTY
11 IS NOT EXEMPT OR EXCUSED FROM A DIVORCE EFFECTS PROGRAM AS PRO-
12 VIDED IN THIS SUBSECTION AND THE PARTY FAILS TO COMPLETE A
13 DIVORCE EFFECTS PROGRAM, THE COURT MAY HOLD THE PARTY IN CON-
14 TEMPT, PUNISHABLE AS PROVIDED IN THE REVISED JUDICATURE ACT OF
15 1961, 1961 PA 236, MCL 600.101 TO 600.9948, OR MAY IMPOSE ANOTHER
16 SANCTION REASONABLE IN THE CIRCUMSTANCES.

17 (6) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS AN
18 ACT OF PHYSICAL, SEXUAL, OR SERIOUS EMOTIONAL ABUSE BY AN INDI-
19 VIDUAL AGAINST HIS OR HER SPOUSE, OR FORMER SPOUSE, OR AGAINST
20 ANOTHER INDIVIDUAL WITH WHOM THE INDIVIDUAL HAS A CHILD IN COMMON
21 OR WITH WHOM THE INDIVIDUAL HAS RESIDED.

22 SEC. 5A. (1) ONLY 1 OR MORE OF THE FOLLOWING SHALL CONDUCT
23 A DIVORCE EFFECTS PROGRAM REQUIRED UNDER SECTION 5:

24 (A) A LICENSED PROFESSIONAL COUNSELOR, LICENSED MARRIAGE AND
25 FAMILY THERAPIST, LICENSED OR LIMITED LICENSED PSYCHOLOGIST, OR
26 CERTIFIED SOCIAL WORKER OR SOCIAL WORKER LICENSED OR REGISTERED

1 AS REQUIRED BY ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
2 MCL 333.16101 TO 333.18838.

3 (B) A PSYCHIATRIST AS THAT TERM IS DEFINED IN SECTION 100C
4 OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100C.

5 (C) AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION OR
6 HIS OR HER DESIGNEE.

7 (D) COURT OR FRIEND OF THE COURT PERSONNEL.

8 (2) PAYMENT FOR A DIVORCE EFFECTS PROGRAM SHALL BE MADE
9 DIRECTLY TO THE PROGRAM PROVIDER. A PROGRAM PROVIDER MAY USE A
10 FEE SCHEDULE THAT ACCOMMODATES FAMILIES OF VARIOUS FINANCIAL
11 MEANS, INCLUDING ALLOWING PARTICIPATION BY INDIGENT INDIVIDUALS
12 FOR NO FEE.