

**CIRCUIT COURT**  
**STATE OF MICHIGAN**  
**DIVORCE PACKAGE**  
**ADULT CHILDREN**  
**With or Without Property**  
**Control Number MI-004-D**

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

**You and your spouse must agree to all terms of the divorce to use this packet.**  
**All forms to be filed with the Court must be printed on Bond paper.**

## INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this petition form for divorce only when all of the following facts are true;
  - (a) There has been a **breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved;**
  - (b) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of eighteen (18) and emancipated.
  - (c) You and your spouse agree on all terms of the divorce.
  - (d) At least one of the parties to an action for divorce must have resided in the State of Michigan for at least 180 days immediately prior to the filing of the complaint and must have resided in the county of filing for at least 10 days immediately prior to the filing of the complaint.
2. **THE BASICS:** In a typical divorce, there are basic two requirements that must be met before you can file for a divorce. Those requirements are below:
  - (a) You must satisfy the **residency** requirements.
  - (b) You must satisfy **the no-fault procedures**.
3. **RESIDENCY REQUIREMENTS:** At least one of the parties to an action for divorce must have resided in the State of Michigan for at least 180 days immediately prior to the filing of the complaint and must have resided in the county of filing for at least 10 days immediately prior to the filing of the complaint. There is an exception to this rule, although it does not apply to divorces contemplated by this package. The exception is that the residency requirement may be waived if the defendant was born in or is a citizen of a foreign country and the parties have minor children that are at risk of being taken out of the U.S.
4. **GROUND FOR DIVORCE:** The only ground upon which a divorce may be granted in the State of Michigan is that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
5. **LEGAL SEPARATION:** A judgement of legal separation may be granted in the State of Michigan upon the same grounds as for a judgement of divorce.

**This package does not contain forms for a legal separation.**

6. **FRIEND OF THE COURT:** The agency known as the Friend of the Court was created to assist the Court in divorce cases. Before adjudication of a domestic relations matter, the office of the Friend of the Court has the following duties:
- (a) To provide an informational pamphlet to each party to a domestic relations matter explaining:
    - (i) The procedures of the court and the office;
    - (ii) The duties of the office;
    - (iii) The rights and responsibilities of the parties, including notification that each party to the dispute has the right to meet with the individual investigating the dispute before that individual makes a recommendation regarding the dispute;
    - (iv) The availability of and procedures used in domestic relations mediation;
    - (v) The availability of human services in the community;
    - (vi) The availability of joint custody, and;
    - (vii) How to file a grievance regarding the office.
  - (b) To inform the parties of the availability of domestic relations mediation if there is a dispute as to child custody or parenting time.
  - (c) To inform the parents of the availability of joint custody if there is a dispute between the parents as to child custody.
  - (d) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody and/or parenting time if there is a dispute as to child custody and/or parenting time, and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court.
7. **ALIMONY/SUPPORT:** Since this is an agreed upon divorce, you will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, the court may require either party to pay alimony for the suitable maintenance of the adverse party, to pay such sums as shall be deemed proper and necessary to conserve any real or personal property owned by the parties or either of them, and to pay any sums necessary to enable the adverse party to carry on or defend the action, during its pendency.
8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. Michigan is an equitable distribution state. In a contested case, this means that the court will divide the property of the parties as it deems equitable under the particular circumstances of the case. All of a party's property is subject to division if the court determines that the other party contributed to the acquisition, improvement, or accumulation of the property.
9. **NAME CHANGE:** Whenever a decree of divorce is granted, the Court may restore to the wife her birth name, or the surname she legally bore prior to her marriage to the

husband in the divorce action, or allow her to adopt another surname if the change is not sought with any fraudulent or evil intent.

**For more information, see the Michigan Divorce Law Summary.**

## **FORMS LIST**

The forms included in this package are:

1. Complaint for Divorce. (**MI-801D**)
2. Answer to Complaint for Divorce. (**MI-803D**)
3. Verified Statement (**MI-FOC-23**)
4. Marital Settlement Agreement. (**MI-804D**)
5. Judgment of Divorce. (**MI-806D**)
6. Sample Record of Divorce or Annulment. (**MI-808D**)
7. Notice of Hearing (**MI-809D**)
8. Notice of Entry of Judgment (**MI-810D**)
9. Summons (**MI-MC-01**)

The Verified Statement is available from the Friend of the Court. Bring the completed sample with you to your meeting with the Friend of the Court to assist you in completing this form.

You will need to obtain from the Clerk of Court the Record of Divorce or Annulment. Bring the completed sample with you to the final hearing to assist you in completing this form.

## FORM EXPLANATIONS

All forms included in this package, or needed, are identified below.

1.                   **Complaint for Divorce (MI-801D)** - The Complaint for Divorce is the document in which you are asking the court to grant your divorce along with any other relief requested.
2.                   **Answer to Complaint for Divorce (MI-803D)** – This document is used by the Defendant to acknowledge receipt of the Complaint for Divorce and to enter an appearance. It is further used to acknowledge that the allegations contained in the Complaint for Divorce are true and to request that the Court grant a Decree of Dissolution of Marriage pursuant to the terms of Petitioner's Petition at any time and without further notice to Respondent. It also states to the Court that the Parties have entered into a Marital Settlement Agreement. This form must be dated and signed AFTER the Complaint and other documents are filed.
3.                   **Verified Statement (MI-FOC-23)** – This document is used to provide basic information about you and your family to the Friend of the Court and, if necessary, to enforce your Judgment of Divorce. A sample has been provided to you to assist you in completing this form. Be sure to bring the completed sample with you to your meeting with the Friend of the Court. You are not required to complete this form, however, since the Friend of the Court is usually used in cases in which alimony is requested or where there are minor children involved.
4.                   **Marital Settlement Agreement (MI-804D)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.
5.                   **Judgment of Divorce (MI-806D)** – This document grants the divorce and any other relief requested.
6.                   **Record of Divorce or Annulment (MI-808D)** – This is an administrative form used by the Court and state government to keep track of divorces. A sample has been provided to you to assist you in completing this form. Be sure to bring the completed sample with you to the final hearing.
7.                   **Notice of Hearing (MI-809D)** – This form is for you to notify the Defendant for the hearing on the Complaint.

8. **Notice of Entry of Judgment (MI-810D)** – This form is for you to provide a copy of the entered and signed Judgment to the Defendant.
9. **Summons (MI-MC-01):** This document is the official notification to your spouse that divorce proceedings have begun. It is delivered to your spouse along with the *Petition*.



## INSTRUCTIONS AND STEPS

**Note:** If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

- STEP 1:** The filing party (Plaintiff) should complete and the *Complaint for Divorce*. A filing fee is paid.
- STEP 2:** The Plaintiff should send to the Defendant the *Answer and Waiver* form along with a copy of the previously filed *Complaint*. The Defendant should complete the *Answer and Waiver* form and return it to the Plaintiff, who should then file the *Answer and Waiver* with the Clerk of Court.
- STEP 3:** The Plaintiff should next complete the sample *Verified Statement*. This form will assist you in your meeting with the Friend of the Court and will assure you that you have all of the needed information to correctly fill out the *Verified Statement* form provided to you by the Friend of the Court.
- STEP 4:** Both parties should complete the *Marital Settlement Agreement*, making certain to agree to all of the terms contained therein.
- STEP 5:** The Plaintiff should next complete the *Judgment of Divorce* and provide the Defendant with a completed copy so that he or she may review it prior to the final hearing and approve its contents. You must attach the original of the *Marital Settlement Agreement* to the Judgment and the Judgment and *Marital Settlement Agreement* must be signed by you and your spouse.
- STEP 6:** Contact the Clerk of Court to schedule a date for the final hearing. At the final hearing, present the *Judgment of Divorce* with the *Marital Settlement Agreement* attached to the presiding Judge for his approval and signature. Make three or more copies of the Judgment with Agreement attached and take to the hearing with you.
- STEP 7:** Send the Notice of Hearing to the Defendant advising the Defendant when you intend to present the Judgment to the Court. File the original Notice with the Clerk.
- STEP 8:** A sample *Record of Divorce or Annulment* has been provided for you. After the *Judgment of Divorce* has been signed and filed, the *Record of Divorce or Annulment* form must be completed for the Clerk of Court. Complete the sample *Record of Divorce or Annulment* and bring this form with you to the final hearing to assist you in completing the form provided to you by the Clerk of Court.

**STEP 9:** Obtain certified copies of the Judgment of divorce and provide one to the Defendant. The certified copy is proof of the divorce. Include the Notice of Entry with the copy and file the Notice of Entry with the clerk.

**No Divorce may be final until thirty (30) days have elapsed between the date the Petition is filed and the date the Decree is signed and filed with the Clerk.**

**Notes:** When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

If a Certificate of Mailing is on any form, a copy of the form should be mailed to the person indicated.

You can file the Notice of Hearing at the time you go to the hearing. You may also file the Notice of Entry at the time you enter the Judgment.

### CHECKLIST

- ☐ *Complaint for Divorce* completed and filed with Clerk of Court.
- ☐ Filing fee paid.
- ☐ Copy of *Complaint for Divorce* and *Answer and Waiver* form provided to Defendant. Defendant completes *Answer and Waiver* and returns form to Plaintiff.
- ☐ Plaintiff files *Answer and Waiver* with Clerk of Court.
- ☐ *Verified Statement* completed by Plaintiff and used to assist in completion of *Verified Statement* form provided to Plaintiff by Friend of Court.
- ☐ Both parties complete *Marital Settlement Agreement* and file document with Clerk of Court.
- ☐ *Judgment of Divorce* completed and copy provided to Defendant for his or her inspection and approval.
- ☐ Final hearing date obtained from Clerk of Court. Notice mailed to Defendant.
- ☐ Judgment with agreement attached presented to Court at final hearing.
- ☐ Sample *Record of Divorce or Annulment* completed and brought to final hearing to assist in completing *Record of Divorce or Annulment* form provided by Clerk of Court.
- ☐ Certified Copy and Notice of Entry provided to the Defendant.

### **NOTE ABOUT COMPLETING THE FORMS**

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

### **LAW SUMMARY**

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/MI/MI-004-D.htm>

## **DISCLAIMER**

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