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To: "courtformsinfo@courts.mi.gov" <courtformsinfo@courts.mi.gov>
Date: 2/1/2012 12:29 PM
Subject: New Form, Complaint for Divorce (with Children)

I note that the draft at paragraph 13 states "The plaintiff is not requesting spousal support." Is this what was intended or is it an oversight?

I think that it should be a two item paragraph, similar to paragraph 12, as follows:

13. * a. The plaintiff is not requesting spousal support.
* b. The plaintiff is requesting spousal support.

There is nothing in the law precluding a request for spousal support in a complaint for divorce with children.

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734-222-3284
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From: Johanna Peltier <peltierj@washtenaw.org>
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Date: 2/1/2012 12:34 PM
Subject: New Form, Complaint for Divorce (no children)

I note that the draft at paragraph 9 states "I am not requesting spousal support." Is this what was intended or is it an oversight?

I think that it should be a two item paragraph, similar to paragraph 8, with "I am..." changed stylistically to "The plaintiff is...", as follows:

9. * a. The plaintiff is not requesting spousal support.
- * b. The plaintiff is requesting spousal support.

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From: Johanna Peltier <peltierj@ewashtenaw.org>
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Date: 2/1/2012 2:17 PM
Subject: New Form(s), Judgment for Divorce (with Children) & (no Children)

First, why the Judgment for Divorce title and not Judgment of Divorce?
One "always" refers to the JOD.

Judgment for Divorce (With Children): I note the following numbered items and suggest changes as follows:

In paragraph 7, Child Support, some of the language required by MCR 3.211 is missing. I suggest that the sentence should be rewritten to continue "...UCSO, entered separately from this judgment of divorce and incorporated by reference."

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Paragraph 8 envisions no possibility of Spousal Support. As I mentioned in my comments to the Complaint, Spouse Support should remain an option. I suggest that #8 be rewritten in its entirety:

"8. Spousal support:

* Spousal support is not awarded to plaintiff, and spousal support to him or her is forever barred. No Uniform Spousal Support Order is required. .

* Spousal support is not awarded to Defendant, and spousal support to him or her is forever barred. No Uniform Spousal Support Order is required.

* Spousal support is awarded to plaintiff. A Uniform Spousal Support Order is entered separately from this judgment of divorce and incorporated by reference.

* Spousal support is awarded to defendant. A Uniform Spousal Support Order is entered separately from this judgment of divorce and incorporated by reference."

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Paragraph 12. Real Property has two choices. The first choice, concerning no real property, is fine.

The second check box choice is narrowly confined to just the parties owning a marital home. It does not envision other real property owned by the parties and being awarded in the judgment.

I suggest that the wording be changed to say: "The parties own real property that is awarded according to the attached Real Property Addendum." That includes the marital home but also can include other real property owned by the parties.

Judgment for Divorce (No Children): I note the following numbered items and suggest changes as follows:

Paragraph 5 envisions no possibility of Spousal Support. As I mentioned in my comments to the Complaint, Spouse Support should remain an option. I suggest that #5 be rewritten in its entirety:

"5. Spousal support:

* Spousal support is not awarded to plaintiff, and spousal support to him or her is forever barred. No Uniform Spousal Support Order is required. .

* Spousal support is not awarded to Defendant, and spousal support to him or her is forever barred. No Uniform Spousal Support Order is required.

* Spousal support is awarded to plaintiff. A Uniform Spousal Support Order is entered separately from this judgment of divorce and incorporated by reference.

* Spousal support is awarded to defendant. A Uniform Spousal Support Order is entered separately from this judgment of divorce and incorporated by reference."

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Paragraph 9. Real Property has two choices. The first choice, concerning ownership of no real property, is fine. The second check box choice is narrowly confined to just the parties owning the marital home. It does not envision other real property being awarded in the judgment.

I suggest that the wording be changed to say: "The parties own real property that is awarded according to the attached Real Property Addendum."

That language would include the marital home but can also include other real property.

Thanks for your consideration of my suggestions.

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