



PROFESSOR LEX

BY HARVEY I. HAUER

Dear Professor Lex:

I am about to commence a divorce action for my client. He has only lived in Michigan for around two months, and just recently moved to Wayne County, where I will file the divorce action. Is there any way to waive the six-month Michigan residency requirement to get him divorced?

Practitioner

Dear Practitioner:

There is no way to waive the six-month residency requirement.

It should be noted, however, for future reference, that there are exceptions to the waiver of the ten day residency requirement in the statute. Please note sub-sections MCL 552.9(2)(a)-(c) set forth below:

Under MCL 552.9,

1. A judgment of divorce shall not be granted by a court in this state in an action for divorce unless the complainant or defendant has resided in this state for 180 days immediately preceding the filing of the complaint and, except as otherwise provided in subsection (2), the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately preceding the filing of the complaint.

2. A person may file a complaint for divorce in any county in the state without meeting the 10-day requirement set forth in subsection (1) if all of the following apply and are set forth in the complaint:

- a. The defendant was born in, or is a citizen of, a country other than the United States of America.
- b. The parties to the divorce action have a minor child or children.
- c. There is information that would allow the court to reasonably conclude that the minor child or children are at risk of being taken out of the United States of America and retained in another country by the defendant.

Answer respectfully submitted
by Harvey I. Hauer, Hauer & Snover.

The above response is not meant to serve as a solution to a case. That would require complete disclosure of all facts in the case, including client consultation. Rather, the intent is to provide informal guidance based upon the facts that have been presented. The inquiring lawyer bears full legal responsibility for determining the validity and use of the advice provided herein.

Please send questions for Professor Lex to Hhauer@hauersnover.com.

