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Divorce & Custody in Michigan

The Family Law Preparation Guide

What to expect, what to gather, and how to protect yourself and your children — explained calmly and in plain language.

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WHATTOEXPECT

How Divorce Works in Michigan

If you are reading this, you may be facing one of the hardest seasons of your life. Knowing how the process actually works removes much of the fear. Here are the basics every Michigan spouse should understand before making any decisions.

- **Michigan is a no-fault state.** You do not need to prove wrongdoing — only that the marriage has broken down with no reasonable likelihood of repair. Fault can still influence property division and spousal support in some cases.
- **Residency requirements.** You (or your spouse) must have lived in Michigan for at least 180 days, and in the county where you file for at least 10 days.
- **Waiting periods.** A divorce cannot be finalized sooner than 60 days after filing — or six months when minor children are involved (courts can shorten the six-month period in limited hardship situations).
- **Property is divided equitably.** Michigan divides marital property fairly, which usually means roughly equally — but not always. Separate property (owned before the marriage, inheritances, some gifts) generally stays with its owner if it was kept separate.
- **Spousal support is case-by-case.** There is no fixed formula. Courts weigh the length of the marriage, each spouse's earning ability, age, health, conduct, and standard of living.

YOURCHILDREN

Custody, Parenting Time & Support

Michigan courts decide custody based on the **best interests of the child** — a set of twelve statutory factors covering each parent's bond with the child, stability of the home, ability to provide, and willingness to support the child's relationship with the other parent.

Two Kinds of Custody

Legal custody is decision-making authority — school, medical care, religion. **Physical custody** is where the child lives. Each can be joint or sole, and joint legal custody is common even when one parent has primary physical custody.

Child Support

Support follows the **Michigan Child Support Formula**, driven mainly by both parents' incomes and the number of overnights each parent has. It is a calculation, not a negotiation from scratch — which means accurate income information matters greatly.

What Courts Notice

Judges pay attention to which parent keeps routines stable, communicates respectfully, and keeps the children out of the conflict. The parent who behaves well under pressure consistently fares better — in court and at home.

GETORGANIZED

The Document Checklist

Gathering these before you meet with any attorney saves you time, money, and stress. Copies are fine — store them somewhere your spouse cannot access, such as a trusted friend's home or a private cloud account with a new password.

Income & Employment

- Last 3 years of federal and state tax returns
- Recent pay stubs for both spouses
- Self-employment / business records, if applicable

Assets

- Bank and credit-union statements (all accounts)
- Retirement and investment account statements (401(k), IRA, pension)
- Deeds, mortgage statements, and property tax bills
- Vehicle titles and loan balances
- Life insurance policies with cash value

Debts & Expenses

- Credit card statements and loan documents
- A realistic monthly budget for you (and the children)
- Health, auto, and homeowner's insurance information

Family

- Children's school, medical, and activity schedules
- Any existing court orders or prior agreements
- A simple timeline of significant events in the marriage

PROTECTYOURSELF

Five Mistakes to Avoid

- **Venting on social media.** Screenshots outlive deleted posts, and they surface in custody hearings. Assume a judge will read everything you write.
- **Moving money.** Draining accounts or hiding assets destroys your credibility with the court and can result in an unequal division against you. Document — don't maneuver.
- **Putting children in the middle.** Using kids as messengers or speaking poorly of the other parent directly undercuts the best-interests factors courts weigh.
- **Moving out without a plan.** Leaving the home can affect parenting-time patterns and finances. Get advice before you change the status quo.
- **Signing anything without review.** Settlement terms are extraordinarily hard to undo. An hour of review before signing beats a year of trying to fix it after.

You don't have to figure this out alone.

Berris Law Firm guides Michigan families through divorce, custody, and support with steady, compassionate counsel. Your initial consultation is free and completely confidential — come with questions, leave with a plan.

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