

So, you've heard of no fault insurance, but have you heard of "no fault" divorce? No fault divorce is the law in Michigan and it governs how a divorce is handled. Simply stated, the only thing that has to be alleged in a divorce complaint 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".

I know that sounds like a mouthful and very legalese. In its basic terms, this means that neither party is legally at fault for the divorce. We do not have to allege why the marriage broke down in the complaint, simply that there was a breakdown of the marriage. We do not have to allege infidelity, drug problem, gambling problems, or anything else. If one spouse wants a divorce, the divorce will be granted.

However, just because Michigan is a "no fault divorce" state, that doesn't mean fault will never come into play. In Michigan, it is presumed that the property division will be divided 50/50 between the parties. Now if one spouse has cheated on the other, has a drug problem, gambling problem, etc. that caused the other spouse to file for divorce, fault can come into play. So the

property division could be 45/55, 40/60, 30/70, or whatever the court may decide.

In addition, fault can come into play when deciding [child custody](#). Fault can't be used as the sole factor for deciding child custody or [parenting time](#), but it can be used as a factor in making that determination.

So legally, Michigan is a no fault divorce State when filing a complaint for divorce and we don't have to allege why there is a breakdown in the marriage, simply that there was a breakdown. If you want more information about your rights in a divorce, call you [Metro-Detroit Divorce Lawyer](#) at (586) 439-4297 and schedule a FREE CONSULTATION. We will assess your situation and answer any questions you have and tell you how we can help.