

COA Opinion: Student meets residency requirement for divorce despite intent to return to home country

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On January 13, 2011, the Michigan Court of Appeals published its opinion in *Kar v. Nanda*, No. 292754. The defendant is a university student, living in Ann Arbor, Michigan. Prior to the divorce action, the defendant lived in Ann Arbor for several years, and she intends to remain there for several more years to complete her degree. Upon receipt of her degree, the defendant intends to return to her home country of India. The defendant argued that her intent to return to India prevented her from meeting MCL 552.9's 180-day residency requirement to obtain a divorce and filed a motion to dismiss for lack of subject-matter jurisdiction on this basis. The trial court denied the motion. The Court of Appeals affirmed. The Court of Appeals held that MCL 552.9's "resided" requirement does not require an intent to remain in Michigan indefinitely. Rather, MCL 552.9 merely requires that the party have "a place of abode" with a more general intention to remain there.