

SENATE BILL No. 128

February 9, 1989, Introduced by Senators CHERRY, GEO.
HART, POLLACK, IRWIN, O'BRIEN and DI NELLO and
referred to the Committee on Judiciary.

A bill to amend chapter 84 of the Revised Statutes of 1846,
entitled
"Of divorce,"
as amended, being sections 552.1 to 552.45 of the Michigan
Compiled Laws, by adding section 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter 84 of the Revised Statutes of 1846, as
2 amended, being sections 552.1 to 552.45 of the Michigan Compiled
3 Laws, is amended by adding section 8 to read as follows:

4 SEC. 8. (1) A PERSON MAY ENTER INTO A CONTRACT WITH HIS OR
5 HER SPOUSE OR PROSPECTIVE SPOUSE GOVERNING ALIMONY, SUPPORT, OR
6 PROPERTY DISTRIBUTION IN THE EVENT OF THE PARTIES' DIVORCE OR
7 LEGAL SEPARATION.

1 (2) THE PARTIES MAY ENTER INTO A CONTRACT UNDER THIS SECTION
2 PRIOR TO MARRIAGE OR AFTER MARRIAGE IF THE PARTIES ARE
3 ANTICIPATING BECOMING DIVORCED.

4 (3) A CONTRACT UNDER THIS SECTION IS VOID AND UNENFORCEABLE
5 IF EITHER PARTY ENTERED INTO THE AGREEMENT FRAUDULENTLY, UNDER
6 DURESS, OR WITHOUT MAKING A FULL AND FAIR DISCLOSURE TO THE OTHER
7 PARTY OF INFORMATION RELEVANT TO THE CONTRACT.

8 (4) EXCEPT AS OTHERWISE PROVIDED IN THE CONTRACT, A WAIVER
9 BY A PERSON OF ALL OF HIS OR HER RIGHTS IN THE PROPERTY OR ESTATE
10 OF THE PERSON'S SPOUSE OR PROSPECTIVE SPOUSE IS ALL OF THE
11 FOLLOWING:

12 (A) A WAIVER BY THE WIFE OF ALL RIGHTS TO DOWER UNDER SEC-
13 TIONS 1 TO 29 OF CHAPTER 66 OF THE REVISED STATUTES OF 1846,
14 BEING SECTIONS 558.1 TO 558.29 OF THE MICHIGAN COMPILED LAWS.

15 (B) A WAIVER BY THE PERSON OF ALL RIGHTS TO A HOMESTEAD
16 ALLOWANCE, FAMILY ALLOWANCE, ELECTION OR EXEMPT PROPERTY IN THE
17 PROPERTY OF THE PERSON'S SPOUSE.

18 (C) A WAIVER OF THE RIGHT TO REMAIN IN THE DWELLING HOUSE OF
19 A DECEDENT AS PROVIDED IN SECTION 288 OF THE REVISED PROBATE
20 CODE, ACT NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTION
21 700.288 OF THE MICHIGAN COMPILED LAWS.

22 (D) A RENUNCIATION BY THE PERSON OF ALL BENEFITS WHICH WOULD
23 OTHERWISE PASS TO HIM OR HER FROM THE PERSON'S SPOUSE BY INTES-
24 TATE SUCCESSION OR BECAUSE OF THE PROVISIONS OF A WILL EXECUTED
25 PRIOR TO THE DATE THE WAIVER WAS EXECUTED.

1 (5) A CHANGE OF CIRCUMSTANCES THAT MAKES THE ENFORCEMENT OF
2 A CONTRACT ENTERED INTO UNDER THIS SECTION INEQUITABLE MAY BE
3 MODIFIED BY THE COURT IN THE COURT'S DISCRETION.

4 (6) THE RIGHT OF A CHILD TO SUPPORT SHALL NOT BE ADVERSELY
5 AFFECTED BY A CONTRACT ENTERED INTO UNDER THIS SECTION.