

HOUSE BILL No. 5586

December 13, 2007, Introduced by Reps. Scott, Schuitmaker, Condino and Meadows and referred to the Committee on Judiciary.

A bill to amend 1909 PA 259, entitled

"An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof,"

by amending section 1 (MCL 552.101), as amended by 2006 PA 288.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~(1) When any judgment of divorce or judgment of~~
2 ~~separate maintenance is granted in any of the courts of this state,~~
3 ~~the court granting the judgment shall include in it a provision in~~

1 ~~lieu of the dower of the wife in the property of the husband, which~~
2 ~~shall be in full satisfaction of all claims that the wife may have~~
3 ~~in any property that the husband owns or may own in the future or~~
4 ~~in which he may have any interest.~~

5 (1) ~~(2)~~—Each judgment of divorce or judgment of separate
6 maintenance **GRANTED BY A COURT OF THIS STATE** shall determine all
7 rights of the wife in and to the proceeds of any policy or contract
8 of life insurance, endowment, or annuity upon the life of the
9 husband in which the wife was named or designated as beneficiary,
10 or to which the wife became entitled by assignment or change of
11 beneficiary during the marriage or in anticipation of marriage. If
12 the judgment of divorce or judgment of separate maintenance does
13 not determine the rights of the wife in and to a policy of life
14 insurance, endowment, or annuity, the policy ~~shall be~~ **IS** payable to
15 the estate of the husband or to the named beneficiary if the
16 husband so designates. However, the company issuing the policy
17 ~~shall be~~ **IS** discharged of all liability on the policy by payment of
18 its proceeds in accordance with the terms of the policy unless
19 before the payment the company receives written notice, by or on
20 behalf of the insured or the estate of the insured, 1 of the heirs
21 of the insured, or any other person having an interest in the
22 policy, of a claim under the policy and the divorce.

23 (2) ~~(3)~~—Each judgment of divorce or judgment of separate
24 maintenance **GRANTED BY A COURT OF THIS STATE** shall determine all
25 rights of the husband in and to the proceeds of any policy or
26 contract of life insurance, endowment, or annuity upon the life of
27 the wife in which the husband was named or designated as

beneficiary, or to which he became entitled by assignment or change of beneficiary during the marriage or in anticipation of marriage. If the judgment of divorce or judgment of separate maintenance does not determine the rights of the husband in and to the policy of life insurance, endowment, or annuity, the policy ~~shall be~~ **IS** payable to the estate of the wife, or to the named beneficiary if the wife so designates. However, the company issuing the policy ~~shall be~~ **IS** discharged of all liability on the policy by payment of the proceeds in accordance with the terms of the policy unless before the payment the company receives written notice, by or on behalf of the insured or the estate of the insured, 1 of the heirs of the insured, or any other person having an interest in the policy, of a claim under the policy and the divorce.

(3) ~~(4)~~—Each judgment of divorce or judgment of separate maintenance **GRANTED BY A COURT OF THIS STATE** shall determine all rights, including any contingent rights, of the husband and wife in and to all of the following:

(a) Any vested pension, annuity, or retirement benefits.

(b) Any accumulated contributions in any pension, annuity, or retirement system.

(c) In accordance with section 18 of 1846 RS 84, MCL 552.18, any unvested pension, annuity, or retirement benefits.

(4) ~~(5)~~—For any divorce or separate maintenance action filed on or after September 1, 2006, if a judgment of divorce or judgment of separate maintenance provides for the assignment of any rights in and to any pension, annuity, or retirement benefits, a proportionate share of all components of the pension, annuity, or

1 retirement benefits shall be included in the assignment unless the
2 judgment of divorce or judgment of separate maintenance expressly
3 excludes 1 or more components. Components include, but are not
4 limited to, supplements, subsidies, early retirement benefits,
5 postretirement benefit increases, surviving spouse benefits, and
6 death benefits. This subsection ~~shall apply~~ **APPLIES** regardless of
7 the characterization of the pension, annuity, or retirement benefit
8 as regular retirement, early retirement, disability retirement,
9 death benefit, or any other characterization or classification,
10 unless the judgment of divorce or judgment of separate maintenance
11 expressly excludes a particular characterization or classification.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. _____ or House Bill No. 5587(request no.
14 00397'07) of the 94th Legislature is enacted into law.