

Legislative Analysis



DIVORCE PROCEEDINGS: MODIFY SPLIT OF PENSIONS

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House Bill 5198

Sponsor: Rep. Tonya Schuitmaker

Committee: Judiciary

Complete to 12-5-05

A SUMMARY OF HOUSE BILL 5198 AS INTRODUCED 9-21-05

Currently, the state's divorce law considers vested rights to or in a pension, annuity, or retirement benefits payable to a party on account of service credit to be part of the marital estate and subject to award by the court in a divorce proceeding. Rights or contingent rights to and in an unvested pension, annuity, or retirement benefits may be considered part of the marital estate and could be subject to award by the court.

House Bill 5198 would amend the divorce act to specify that if a judgment, order, stipulation placed on the record, or an agreement signed by the parties in a divorce proceeding provided for the division of any rights in and to any annuity, retirement benefit, or pension, whether qualified or nonqualified, all components of the annuity, retirement benefit, or pension would be included in the division unless specifically excluded in the judgment, order, stipulation, or agreement.

MCL 552.18

FISCAL IMPACT:

The bill would have no fiscal implications.

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