

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5953

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 1985 PA 42.

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 ~~it shall be the duty of~~ the court granting the judgment ~~to~~ **SHALL**

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

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

24 (3) Each judgment of divorce or judgment of separate
25 maintenance shall determine all rights of the husband in and to the
26 proceeds of any policy or contract of life insurance, endowment, or
27 annuity upon the life of 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 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 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, ~~or~~ 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.

(4) Each judgment of divorce or judgment of separate maintenance 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) ~~Any right or contingent right in and to~~ **IN ACCORDANCE WITH SECTION 18 OF 1846 RS 84, MCL 552.18, ANY** unvested pension, annuity, or retirement benefits.

(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 REGARDLESS OF THE
7 CHARACTERIZATION OF THE PENSION, ANNUITY, OR RETIREMENT BENEFIT AS
8 REGULAR RETIREMENT, EARLY RETIREMENT, DISABILITY RETIREMENT, DEATH
9 BENEFIT, OR ANY OTHER CHARACTERIZATION OR CLASSIFICATION, UNLESS
10 THE JUDGMENT OF DIVORCE OR JUDGMENT OF SEPARATE MAINTENANCE
11 EXPRESSLY EXCLUDES A PARTICULAR CHARACTERIZATION OR CLASSIFICATION.