

HOUSE BILL No. 5198

September 21, 2005, Introduced by Reps. Schuitmaker, Lipsey, Condino, Bieda, Gaffney, Accavitti, Hune, Elsenheimer, Taub, Gosselin, Ball and David Law and referred to the Committee on Judiciary.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) Any rights in and to vested pension, annuity, or
2 retirement benefits, or accumulated contributions in any pension,
3 annuity, or retirement system, payable to or on behalf of a party
4 on account of service credit accrued by the party during marriage
5 shall be considered part of the marital estate subject to award by
6 the court under this chapter.

7 (2) Any rights or contingent rights in and to unvested
8 pension, annuity, or retirement benefits payable to or on behalf of
9 a party on account of service credit accrued by the party during

1 marriage may be considered part of the marital estate subject to
2 award by the court under this chapter where just and equitable.

3 (3) Upon motion of a party or upon consent of the parties, an
4 order of the court under this section entered before ~~the effective~~
5 ~~date of the amendatory act that added this subsection~~ **JULY 18,**
6 **1991** shall be amended to satisfy the requirements of an eligible
7 domestic relations order and to effectuate the intent of the
8 parties or the ruling of the court. As used in this subsection,
9 "eligible domestic relations order" means a domestic relations
10 order that is an eligible domestic relations order under the
11 eligible domestic relations order act, **1991 PA 46, MCL 38.1701 TO**
12 **38.1711.**

13 (4) **IF A JUDGMENT, ORDER, STIPULATION PLACED ON THE RECORD, OR**
14 **AN AGREEMENT SIGNED BY THE PARTIES PROVIDES FOR THE DIVISION OF ANY**
15 **RIGHTS IN AND TO ANY ANNUITY, RETIREMENT BENEFIT, OR PENSION,**
16 **WHETHER QUALIFIED OR NONQUALIFIED, ALL COMPONENTS OF THE ANNUITY,**
17 **RETIREMENT BENEFIT, OR PENSION SHALL BE INCLUDED IN THE DIVISION**
18 **UNLESS THE JUDGMENT, ORDER, STIPULATION, OR AGREEMENT SPECIFICALLY**
19 **EXCLUDES THOSE COMPONENTS.**