

HOUSE BILL NO. 4622

June 10, 2025, Introduced by Reps. Andrews, Pohutsky, Rheingans, McFall, Hoskins, Wooden, MacDonell, Morgan, Wilson, Dievendorf, Byrnes, Price, Rogers, Tsernoglou, Coffia, Skaggs, Weiss, Brixie, Glanville, Conlin, Mentzer, Foreman, McKinney, Longjohn, Hope, Scott and Wegela and referred to Committee on Government Operations.

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 sections 1 and 2 (MCL 552.101 and 552.102), section 1 as amended by 2016 PA 378.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

19 ~~(2) Each judgment of divorce or judgment of separate~~
20 ~~maintenance shall determine all rights of the husband in and to the~~
21 ~~proceeds of any policy or contract of life insurance, endowment, or~~
22 ~~annuity upon the life of the wife in which the husband was named or~~
23 ~~designated as beneficiary, or to which he became entitled by~~
24 ~~assignment or change of beneficiary during the marriage or in~~
25 ~~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. The company issuing the policy 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.~~

(2) ~~(3)~~ Each judgment of divorce or judgment of separate maintenance shall determine all rights, including any contingent rights, of the ~~husband and wife~~ **spouses** 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.

(3) ~~(4)~~ 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 retirement benefits ~~shall~~ **must** be included in the assignment unless the judgment of divorce or judgment of separate maintenance expressly excludes 1 or more components. Components include, but are not limited to, supplements, subsidies, early retirement benefits, postretirement benefit increases, surviving spouse

benefits, and death benefits. This subsection applies regardless of the characterization of the pension, annuity, or retirement benefit as regular retirement, early retirement, disability retirement, death benefit, or any other characterization or classification, unless the judgment of divorce or judgment of separate maintenance expressly excludes a particular characterization or classification.

Sec. 2. ~~Every husband and wife owning~~ **On being divorced,**
spouses who own real estate as joint tenants or as tenants by
entireties ~~shall, upon being divorced,~~ become tenants in common of
~~such~~ **the** real estate, unless the ownership ~~thereof~~ **of the real**
estate is otherwise determined by the ~~decree~~ **judgment** of divorce.

Enacting section 1. This amendatory act does not take effect
unless Senate Joint Resolution ____ (request no. S00781'25) or
House Joint Resolution F (request no. H00781'25) of the 103rd
Legislature becomes a part of the state constitution of 1963 as
provided in section 1 of article XII of the state constitution of
1963.