



# HOUSE BILL No. 5770

April 18, 1996, Introduced by Reps. Jersevic, Baird, Munsell and Pitoniak and referred to the Committee on Judiciary and Civil Rights.

A bill to amend the title and section 1 of Act No. 259 of the Public Acts of 1909, entitled as amended

"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,"

as amended by Act No. 42 of the Public Acts of 1985, being section 552.101 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title and section 1 of Act No. 259 of the  
2 Public Acts of 1909, as amended by Act No. 42 of the Public Acts

1 of 1985, being section 552.101 of the Michigan Compiled Laws, are  
2 amended to read as follows:

3 TITLE

4 An act to provide that judgments of divorce and judgments of  
5 separate maintenance shall make provision in satisfaction of the  
6 claims of the HUSBAND OR wife in the property of ~~the husband~~  
7 HIS OR HER SPOUSE and in satisfaction of the claims of the hus-  
8 band and wife in contracts of insurance and annuity upon the life  
9 of the husband or wife, and in satisfaction of claims of the hus-  
10 band and wife in or to any pension, annuity, retirement allow-  
11 ance, or accumulated contributions in ~~any~~ A pension, annuity,  
12 or retirement system, including ~~any~~ ALL rights or contingent  
13 rights in and to unvested pension, annuity, or retirement bene-  
14 fits; and to change the tenure of lands owned by THE husband and  
15 wife in case of divorce, and to provide for the disposition or  
16 partition of ~~such~~ THE lands or the proceeds ~~thereof~~ FROM THE  
17 DISPOSITION OR PARTITION OF THE LANDS.

18 Sec. 1. (1) When ~~any~~ A judgment of divorce or judgment of  
19 separate maintenance is granted in ~~any of the courts~~ A COURT of  
20 this state, ~~it shall be the duty of~~ the court granting the  
21 judgment ~~to~~ SHALL include in it a provision in lieu of the  
22 dower of ~~the~~ A HUSBAND OR wife in the property of ~~the husband,~~  
23 ~~which provision shall be in full satisfaction of~~ HIS OR HER  
24 SPOUSE THAT FULLY SATISFIES all claims ~~that the wife may have in~~  
25 ~~any~~ THE HUSBAND OR WIFE HAS IN THE property ~~which the husband~~  
26 THAT HIS OR HER SPOUSE owns or may own in the future, or in which  
27 ~~he may have any~~ HIS OR HER SPOUSE HAS AN interest.

1           (2) Each judgment of divorce or judgment of separate  
2 maintenance shall determine all rights of the HUSBAND OR wife in  
3 and to the proceeds of ~~any~~ EACH policy or contract of life  
4 insurance, endowment, or annuity upon the life of ~~the husband~~  
5 HIS OR HER SPOUSE in which the HUSBAND OR wife was named or des-  
6 ignated as beneficiary, or to which the HUSBAND OR wife became  
7 entitled by assignment or change of beneficiary during the mar-  
8 riage or in anticipation of marriage. If the judgment of divorce  
9 or judgment of separate maintenance does not determine the rights  
10 of the HUSBAND OR wife in and to a policy of life insurance,  
11 endowment, or annuity, the policy shall be payable to the estate  
12 of ~~the husband~~ HIS OR HER SPOUSE or to the named beneficiary if  
13 ~~the husband~~ HIS OR HER SPOUSE so designates. However, the com-  
14 pany issuing the policy ~~shall be~~ IS discharged of all liability  
15 on the policy by payment of its proceeds in accordance with the  
16 terms of the policy, unless before the payment the company  
17 receives written notice ~~, by or on behalf of the insured or the~~  
18 ~~estate of the insured or~~ ~~of the heirs of the insured, or any~~  
19 ~~other person having an interest in the policy,~~ of a claim under  
20 the policy and the divorce BY OR ON BEHALF OF THE INSURED, THE  
21 INSURED'S ESTATE, ~~1~~ OF THE INSURED'S HEIRS, OR ANOTHER PERSON  
22 HAVING AN INTEREST IN THE POLICY.

23           ~~(3) Each judgment of divorce or judgment of separate main-~~  
24 ~~tenance shall determine all rights of the husband in and to the~~  
25 ~~proceeds of any policy or contract of life insurance, endowment,~~  
26 ~~or annuity upon the life of the wife in which the husband was~~  
27 ~~named or designated as beneficiary, or to which he became~~

~~1 entitled by assignment or change of beneficiary during the~~  
~~2 marriage or in anticipation of marriage. If the judgment of~~  
~~3 divorce or judgment of separate maintenance does not determine~~  
~~4 the rights of the husband in and to the policy of life insurance,~~  
~~5 endowment, or annuity, the policy shall be payable to the estate~~  
~~6 of the wife, or to the named beneficiary if the wife so~~  
~~7 designates. However, the company issuing the policy shall be~~  
~~8 discharged of all liability on the policy by payment of the pro-~~  
~~9 ceeds in accordance with the terms of the policy, unless before~~  
~~10 the payment the company receives written notice, by or on behalf~~  
~~11 of the insured or the estate of the insured or of the heirs of~~  
~~12 the insured, or any other person having an interest in the~~  
~~13 policy, of a claim under the policy and the divorce.~~

14       (3) ~~(4)~~ Each judgment of divorce or judgment of separate  
 15 maintenance shall determine all rights of the husband and wife in  
 16 and to all of the following:

17       (a) ~~Any pension~~ PENSION, annuity, or retirement benefits.

18       (b) ~~Any accumulated~~ ACCUMULATED contributions in ~~any~~ A  
 19 pension, annuity, or retirement system.

20       (c) ~~Any~~ A right or contingent right in and to unvested  
 21 pension, annuity, or retirement benefits.

22       Section 2. This amendatory act shall not take effect unless  
 23 House Bill No. 5441 of the 88th Legislature is enacted into law.