

# SENATE BILL No. 1344

June 28, 2006, Introduced by Senator SWITALSKI and referred to the Committee on Judiciary.

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 include~~  
4 ~~in it a provision in lieu of the dower of the wife in the property~~

1 ~~of the husband, which provision shall be in full satisfaction of~~  
 2 ~~all claims that the wife may have in any property which the husband~~  
 3 ~~owns or may own in the future, or in which he may have any~~  
 4 ~~interest.~~

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

23 (2) ~~—(3)—~~ Each judgment of divorce or judgment of separate  
 24 maintenance **GRANTED BY A COURT OF THIS STATE** shall determine all  
 25 rights of the husband in and to the proceeds of any policy or  
 26 contract of life insurance, endowment, or annuity upon the life of  
 27 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~~ **IS** 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~~ **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, ~~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.

(3) ~~(4)~~ Each judgment of divorce or judgment of separate maintenance **GRANTED BY A COURT OF THIS STATE** shall determine all rights of the husband and wife in and to all of the following:

(a) Any 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 unvested pension, annuity, or retirement benefits.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1343

of the 93rd Legislature is enacted into law.