

# HOUSE BILL No. 6072

November 30, 2016, Introduced by Reps. Driskell, Darany and Schor and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2806 (MCL 700.2806).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2806. As used in this section and sections 2807 to 2809:

2 (a) "Disposition or appointment of property" includes, but is  
3 not limited to, a transfer of an item of property or another  
4 benefit to a beneficiary designated in a governing instrument.

5 (b) "Divorce or annulment" means a divorce or annulment, or a  
6 dissolution or declaration of invalidity of a marriage, that would  
7 exclude the spouse as a surviving spouse within the meaning of  
8 section 2801. A decree of separation that does not terminate the  
9 status of ~~husband and wife~~ **MARRIED COUPLE** is not a divorce for  
10 purposes of this section and sections 2807 to 2809.

1 (c) "Divorced individual" includes, but is not limited to, an  
2 individual whose marriage has been annulled.

3 (d) "Governing instrument" means a governing instrument  
4 executed by a divorced individual before the divorce from, or  
5 annulment of his or her marriage to, his or her former spouse.

6 (e) "Relative of the divorced individual's former spouse"  
7 means an individual who is related to the divorced individual's  
8 former spouse by blood, adoption, or affinity and who, after the  
9 divorce or annulment, is not related to the divorced individual by  
10 blood, adoption, or affinity.

11 (f) "Revocable" means, with respect to a disposition,  
12 appointment, provision, or nomination, one under which the divorced  
13 individual, at the time of the divorce or annulment, was alone  
14 empowered, by law or under the governing instrument, to cancel the  
15 designation in favor of his or her former spouse or former spouse's  
16 relative, whether or not the divorced individual was then empowered  
17 to designate himself or herself in place of his or her former  
18 spouse or in place of his or her former spouse's relative and  
19 whether or not the divorced individual then had the capacity to  
20 exercise the power.