



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 39 (as reported without amendment)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

**CONTENT**

The bill would amend Article II (Intestacy, Wills, Donative Transfers) of the Estates and Protected Individuals Code to do the following in provisions governing the effect of a divorce, annulment, or separation on the status of a person as a surviving spouse:

- Revise an exception regarding who constitutes a surviving spouse for purposes of the designation of a funeral representative.
- Refer to a "married couple" rather than a "husband and wife".

Under Section 2801 of the Code, an individual who is divorced from the decedent or whose marriage to the decedent has been annulled generally is not considered a surviving spouse. Section 2801 also lists individuals who are not included as a surviving spouse for certain purposes. These individuals include someone who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in Michigan, unless they subsequently participate in a marriage ceremony purporting to marry each other or live together as husband and wife. The bill would refer to "a married couple" rather than "husband and wife".

In addition, for purposes of Section 3206 of the Code (which allows the designation of a funeral representative to make decisions about a decedent's funeral arrangements or the disposition of the body), a surviving spouse does not include any of the individuals listed in Section 2801 or an individual who was a party to a divorce or annulment proceeding with the decedent at the time of the decedent's death. One of the individuals listed in Section 2801 is a person who did any of the following for one year or more before the decedent's death: was willfully absent from the decedent spouse; deserted the decedent spouse; or willfully neglected or refused to provide support for the decedent spouse if required to do so by law. Under the bill, such a person would not be excluded as a surviving spouse for purposes of Section 3206.

MCL 700.2801

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 1-25-17

Fiscal Analyst: Ryan Bergan