

HOUSE BILL No. 4959

September 14, 2017, Introduced by Rep. Hoytenga and referred to the Committee on Law and Justice.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
by amending section 23 (MCL 552.23), as amended by 2009 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) ~~Upon~~ **EXCEPT AS PROVIDED IN SUBSECTION (4)**, UPON
2 entry of a judgment of divorce or separate maintenance, if the
3 estate and effects awarded to either party are insufficient for the
4 suitable support and maintenance of either party and any children
5 of the marriage who are committed to the care and custody of either
6 party, the court may also award to either party the part of the
7 real and personal estate of either party and spousal support out of
8 the real and personal estate, to be paid to either party in gross
9 or otherwise as the court considers just and reasonable, after
10 considering the ability of either party to pay and the character
11 and situation of the parties, and all the other circumstances of

1 the case.

2 (2) Upon certification by a county department of **HEALTH AND**
3 human services that a complainant or petitioner in a proceeding
4 under this chapter is receiving public assistance either personally
5 or for children of the marriage, payments received by the friend of
6 the court or the state disbursement unit for the support and
7 education of the children or maintenance of the party shall be
8 transmitted to the department of **HEALTH AND** human services.

9 (3) If the court appoints the friend of the court custodian,
10 receiver, trustee, or escrow agent of assets owned by a husband and
11 wife, or either of them, the court may fix the amount of the fee
12 for ~~such~~**THAT** service, to be turned over to the county treasurer
13 and credited to the general fund of the county. The court may hold
14 in contempt a person who fails or refuses to pay a fee ordered
15 under this subsection.

16 (4) **IF AN ANTENUPTIAL AGREEMENT THAT HAS BEEN DETERMINED BY**
17 **THE COURT TO BE OTHERWISE ENFORCEABLE CONFLICTS WITH THE PROVISIONS**
18 **OF SUBSECTION (1), THE PROVISIONS OF THE ANTENUPTIAL AGREEMENT**
19 **PREVAIL AND SHALL BE ENFORCED BY THE COURT.**

20 (5) ~~(4)~~As used in this section and section 24, "state
21 disbursement unit" or "SDU" means the entity established in section
22 6 of the office of child support act, 1971 PA 174, MCL 400.236.

23 (6) **AS USED IN THIS SECTION, "ANTENUPTIAL AGREEMENT" MEANS A**
24 **CONTRACT RELATING TO PROPERTY THAT IS ENTERED INTO BY PERSONS**
25 **CONTEMPLATING MARRIAGE BEFORE THE MARRIAGE TAKES PLACE. ANTENUPTIAL**
26 **AGREEMENT INCLUDES A PRENUPTIAL AGREEMENT AND A PREMARITAL**
27 **AGREEMENT.**

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.