FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4170

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 3,086.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor of this position was 19. The number who voted opposed to this position was 0.

SBM | FAMILY LAW SECTION

Report on Public Policy Position

Name of Section:
Family Law Section

Contact person:
Kent Weichmann

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Bill Number:
HB 4170 (Franz) Family law; marriage and divorce; veteran disability compensation; exclude from marital estate. Amends sec. 18 of 1846 RS 84 (MCL 552.18).

Date position was adopted:
March 7, 2015

Process used to take the ideological position:
Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:
21

Number who voted in favor and opposed to the position:
19 Voted for position
0 Voted against position
0 Abstained from vote
2 Did not vote (absent)

Position:
Oppose

Explanation of the position, including any recommended amendments:
HB 4170 is a reintroduction of a bill the Family Law Section opposed last term. It excludes Veteran's Disability Compensation from the marital estate for purposes of property division and spousal support. This would lead to grotesquely unfair results for military spouses. Since veterans disability payments can be taken in lieu of a military pension, a veteran would be able to claim half of their spouse's pension, yet keep all of their own pension. They would also be able to claim spousal support from their spouse, even if their disability payments far exceeded their spouse's income. Military spouses often sacrifice their own careers to relocate each time the service member is relocated. They should not be treated worse than other spouses. Veteran's disability benefits should be treated the same as other disability compensation.

The Family Law Section opposes this bill.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.
http://legislature.mi.gov/doc.aspx?2015-HB-4170