FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 5520

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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 2,962.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 18. The number who voted opposed to this position was 0.

**Report on Public Policy Position**

**Name of section:**
Family Law Section

**Contact person:**
Kent Weichmann

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**Bill Number:**
HB 5520 (Kesto) Family law; marriage and divorce; requirement that judgment of divorce contain provisions regarding wife's dower rights; eliminate. Amends sec. 1 of 1909 PA 259 (MCL 552.101).

**Date position was adopted:**
April 9, 2016

**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:**
18 Voted for position
0 Voted against position
0 Abstained from vote
3 Did not vote (absent)

**Position:**
Oppose with recommended amendments

**Explanation of the position, including any recommended amendments:**
HB 5520 is the House version of SB 559, which is part of a package of bills that would eliminate dower. Dower gives a widow the right to a life estate in 1/3 of the property a husband owned during his lifetime. This is a vestige of old English law, and it isn't clear how it would be enforced in those rare cases where a widow would elect dower. Nonetheless, the possibility must be accounted for in dealing with real property transactions and estates.

The Family Law Section has no interest in continuing dower per se, but wants to maintain the benefit of requiring a wife to sign off on her dower rights before property is sold or encumbered because it gives her notice of the conveyance. This prevents one spouse from unilaterally mortgaging the parties' primary marital asset in order to buy drugs or pay gambling debts. The Family Law Section would be willing to support the elimination of dower if it

were replaced by a gender neutral process that ensures that both parties know when either spouse's property is conveyed. Unless such a process is created, the Family Law Section opposes this package of bills.

**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?2016-HB-5520