

Public Policy Position SB 809

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,606 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On May 3, 2024, the Section adopted its position after a discussion and vote at a scheduled meeting. 15 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 6 members did not vote.

Support

Explanation:

The Family Law Section believes that clear statutory authority regarding premarital and marital agreements is long overdue and that the Uniform Premarital and Marital Agreement Act, already enacted in approximately 28 other states, will provide clear guidance to attorneys, courts and parties. The language included in Section 5 of the bill referencing the court's discretion under MCL 552.23(1) and .401 provides for consistency between the statutes, and recognizes established case law in *Allard v Allard*, resulting in no ambiguity or change is the current state of the law with respect to a trial court's authority. The bill also provides a clear definition of "duress", giving courts a roadmap for such findings.

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