



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

Kent Weichmann

**Email:**

weichmann@earthlink.net

**Bill Number:**

**SB 362** (Basham) Retirement; generally; eligible domestic relations order act; amend. Amends sec. 2 of 1991 PA 46 (MCL 38.1702).

**Date position was adopted:**

May 7, 2005

**Process used to take the ideological position:**

Vote at Family Law Council meeting

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

15-0 in favor

**FOR SECTIONS ONLY:**

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

*If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.*

**Position:**

SB 362 introduced by Sen. Basham and referred to Appropriations, would modify the EDRO statute to allow an EDRO to be filed even after the participant is receiving the pension, as long as it is filed within 120 days after the Judgment of Divorce. Although state educational pension benefits are subject to income withholding orders, this bill would allow an alternate payee to split off their share of the pension so that they were no longer dependent on the participant's continued existence for their share of the pension. The Council supported the additional options this bill would provide and voted to support this bill.

**The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:**

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-SB-0362>