

Report on Public Policy Position**Name of section:**

Family Law Section

Contact Person:

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Bill Number:

[HB 5587](#) (Schuitmaker) Probate; other; dower rights; repeal. Creates new act & repeals secs. 1 - 29 of 1846 RS 66 (MCL [558.1](#) - [558.29](#)) & secs. 2931 & 2933 of [1961 PA 236](#) (MCL [600.2931](#) & [600.2933](#)).

Date position was adopted:

February 2, 2008

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:

15 Voted for position

0 Voted against position

6 Did not vote

Position:

Oppose and Amend

Explanation of the position, including any recommended amendments:

HB 5586, 5587, & 5588 seek to abolish dower and eliminate the references to dower in divorce and probate. Pat Ouellette and Ellen Sugrue Hyman from the Probate Section joined our meeting to explain the problems that dower creates in administering an estate. The Family Law Section believes that dower provides an important protection for spouses to ensure that they are aware of any transaction affecting real property during the marriage. We would also like these protections to be made gender neutral. The Family Law Section opposes these bills as written, but would like to work with the sponsors to satisfy the concerns of the Probate Section while preserving the protections of dower during marriage.

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?2007-HB-5587>