

FAMILY LAW SECTION

Respectfully submits the following position on:

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SB 0254

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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 3,047.

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 15. The number who voted opposed to this position was 0. The number who abstained from voting was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Bill Number:

[SB 0254](#) (Bieda) Civil procedure; appeals; service of papers; provide for alternate service if party is protected by a protective order. Amends secs. 227 & 316 of [1961 PA 236](#) (MCL [600.227](#) & [600.316](#)).

Date position was adopted:

June 6, 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:

15 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote (absent)

Position:

Oppose with recommended amendments

Explanation of the position, including any recommended amendments:

SB 254 is the Senate version of HB 4477 and our position on both bills is consistent. This bill would require the Court of Appeals and Supreme Court to facilitate service of a party when the party's address is confidential by court order or when the filing party is prohibited from contacting the other party by court order. Although it is important to continue protections for victims when a case is on appeal, the bill doesn't provide any mechanism for the Court of Appeals to discern the protected party's address, rendering the process unworkable. The Family Law Section opposes the bill until that issue is resolved.

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-SB-0254>