

## FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4096

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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 2,818.

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 16. 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

**E-Mail:**[kent.weichmann@3rdcc.org](mailto:kent.weichmann@3rdcc.org)**Bill Number:**

[HB 4096](#) (Kosowski) Civil procedure; personal protection orders; child custody and child and spousal support; allow to be included. Amends sec. 2950 of [1961 PA 236](#) (MCL [600.2950](#)).

**Date position was adopted:**

April 1, 2017

**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:**

16 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

HB 4096 is the reintroduction of a bill the Family Law Section opposed last term. It would allow a court to include provisions for custody, child support, and spousal support in a personal protection order. The bill seems well-intentioned and attempts to address some of the financial and security concerns of victims of domestic violence, but there are several serious problems with the statute. A PPO can be sought in a circuit court in Michigan which does not have jurisdiction to issue a custody order, and that order may conflict with an order issued by the court that does have jurisdiction. If a custody and support order is issued as part of a PPO the complainant would have to continually renew the PPO to keep the custody and support provisions in force, which is an inappropriate use of the PPO process. In addition, PPO dockets are designed to provide expedited relief. Custody and support issues are time consuming and would clog the expedited docket, denying expedited protection to those who need it. The Family Law Section opposes this bill.

**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?2017-HB-4096>