

Public Policy Position
HB 4357

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,453 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 22 members. On April 6, 2019, the Section adopted its position after a discussion and vote at a scheduled meeting. 17 members voted in favor of the Section's position on HB 4357, 0 members voted against this position, 0 members abstained, 5 members did not vote.

Oppose

Explanation:

HB 4357 proposes to eliminate the statutory bond provisions of the felony non support statute, MCL 750.165. The Family Law Section opposes this change. The felony non-support statute is primarily a child support enforcement tool, and is often used to enforce against out-of-state payers who are beyond the reach of civil bench warrants. People who are delinquent in their child support have little incentive to remain in state without a significant bond, especially because non support is a strict liability offense. The statutory bond operates as much as a performance bond as it does as an appearance bond, and it allows a delinquent payer to be released prior to the arraignment. If the payer can show good cause the court may reduce the bond amount at the arraignment.

The Family Law Section believes that the current statutory provision should be retained, and opposes HB 4537.

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