



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4039 (Sheen) Family law; child support; option for tether in lieu of jail time for certain individuals with child support arrearage; provide for. Amends sec. 33 of 1982 PA 295 (MCL 552.633).

Date position was adopted:

March 5, 2005

Process used to take the ideological position:

Voted on by Family Law Council at their monthly meeting on March 5, 2005

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

Voice vote

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:

House Bill 4039, sponsored by Reps. Sheen, Hoogendyk, Drolet, Brandenburg, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Pavlov and Gaffney and referred to Judiciary, adds electronic tether to sentencing options if a child support payer is found in contempt of court. The order must contain a provision "ordering the payer to be employed and pay child support" and require the payer to submit to electronic monitoring and to pay the costs of that monitoring. Council members expressed concerns that the costs of monitoring should not take precedence over the child support, and some worried that the full panoply of remedies can be invoked for fairly low arrearages, but overall the Council felt that an additional option for contempt remedies was beneficial, particularly in times of jail-overcrowding. The Family Law Council supports 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-HB-4039>