



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

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**Bill Number:**

**HB 5088** (Lemmons III) Family law; child support; termination of child support obligations when certain evidence demonstrates payer is not the biological parent; provide for. Amends 1982 PA 295 (MCL 552.601 - 552.650) by adding sec. 5f.

**Date position was adopted:**

10/8/05

**Process used to take the ideological position:**

Voice vote of Council members present at meeting.

**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:**

HB 5088, introduced by Rep. Lemmons, III and referred to the Committee on Family and Children Services, would allow a man subject to a child support order or an order finding him to be a father to file a motion for relief from paternity. The court must order the mother and child to participate in blood tests and if the tests exclude the legal father, the court must vacate the child support order and require the mother to reimburse the former father for all child support paid to her. The court may continue parenting time for the former father if it is in the child's best interests.

The Council opposes the bill as drafted. The Council felt that the repayment provision was unduly harsh and punitive, that there should be some recognition of the responsibilities of an equitable parent, and that there should be at least some statute of limitations on bringing such a motion, especially since it abrogates normal principles of res judicata.

The Council believed that the best way to handle this problem is to require non-waivable blood tests before allowing an acknowledgement of paternity, as opposed to the current practice of encouraging purported fathers to waive the blood test and sign the acknowledgement. The Council felt that the establishment of a paternal relationship was an important enough step to warrant the expense of a blood test.

**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-5088>