



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

SB 602 (Cherry) Family law; child custody; use of substitute service by order from court of record for certain out-of-state individuals; allow. Amends sec. 1 of 1966 PA 138 (MCL 552.451).

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:

SB 602, introduced by Sens. Cherry, Prusi, and Birkholz and referred to the Committee on Families and Human Services, would allow substituted service on a non-resident parent for purposes of the Family Support Act. The Council opposes this bill. The Council felt that substituted service was not a constitutionally permissible means of obtaining the in personam jurisdiction necessary to sustain a child support order.

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-SB-0602>