

**Public Policy Position
HB 5861**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,642 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 21 members. On March 5, 2022, the Section adopted its position after a discussion and vote at a scheduled meeting. 16 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 5 members did not vote.

Oppose

Explanation:

Family Law Section opposes this legislation because health insurance premiums, along with uninsured medical expenses, are already provided for under the Michigan Child Support Formula based on ability to pay. The obligation that a father must pay at least 50% of such expenses is arbitrary and does not factor in ability to pay. Assigning an amount in excess of an individual's capacity to pay can also have the unintended consequence of making it more difficult to collect child support. The bill also presents due process issues because a father, by virtue of his gender, can pay no less than 50% of such expenses, whereas the mother may pay less than 50%. The bill also fails to address LGBTQ parents, where there is no father.

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