

FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 5472

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 18. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Section:

Family Law Section

Contact person:

Kent Weichmann

E-Mail:

weichmannk@att.net

Bill Number:

[HB 5472](#) (Rendon) Family law; child support; alternative contempt track docket for certain individuals behind in child support; create. Amends secs. 2 & 35 of [1982 PA 295](#) (MCL [552.602](#) & [552.635](#)) & adds sec. 36.

Date position was adopted:

May 3, 2014

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support with amendments

Explanation of the position, including any recommended amendments:

HB 5472 creates an alternate enforcement track for payers found in contempt under MCL 552.635 for failure to exercise due diligence to comply with the support order. (Contrast MCL 552.633, contempt because the payer has currently available resources.) The bill would allow a sort of probation for the payer to encourage job training, education, etc., and allow the court to enter a temporary support order or stay the current support during the probation. This gives the court some flexibility to deal with difficult cases.

The Section supports this bill with the following amendment:

Section (3)(F) on page 13 should clarify that support will not be modified unless both parties have an opportunity to be heard on the issue. The period on line 18 should be replaced by a comma, and “AND AFTER A HEARING ON THE ISSUE OF SUPPORT.” should be added.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2014-HB-5472>