



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4542 (Robertson) Family law; child support; graduated penalties for unpaid support; enact. Amends sec. 165 of 1931 PA 328 (MCL 750.165).

Date position was adopted:

May 7, 2005

Process used to take the ideological position:

Vote at Family Law Council meeting

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

15-0 in favor

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 4542 introduced by Reps. Robertson, Brandenburg, Pastor, Garfield, Marleau and Byrnes and referred to Judiciary, would provide for graduated penalties for criminal non-support. The penalties would be based on amount owed or duration of non-payment. The Council did not think that the current criminal statute, which allows a conviction without any evidence of past or current ability to pay, was appropriate. The graduated penalties were seen as a slight improvement to an unfair situation. The Council felt that it would be better if the amounts owed were evaluated in relation to the amount ordered, i.e., owing \$3,000 on a \$300 per month order was more egregious than \$3,000 on a \$3,000 per month order. The Council voted to support the bill and offer the suggested amendment.

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-4542>