



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

Kent Weichmann

Email:

weichmann@earthlink.net

Bill Number:

HB 4147 (Lemmons) Family law; child support; termination of child support obligations when DNA 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:

March 10, 2007

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:

14 Voted for position

3 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4147 is a reintroduction of HB 5088, which we opposed last session. HB 4147 would allow a man subject to a child support order or an order finding him to be the father of a child 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 some statute of limitations on bringing such a motion, especially since it abrogates normal principles of res judicata.

The Council felt strongly 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 coercing purported fathers into waiving the blood test and signing the acknowledgement. The Council felt that the establishment of a paternal relationship was a decisive step and warranted 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://legislature.mi.gov/doc.aspx?2007-HB-4147>