



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4566 (Stakoe) Family law; child support; repayment of child support; allow under certain circumstances. Amends sec. 3 of 1982 PA 295 (MCL 552.603) & adds sec. 20.

Date position was adopted:

May 5, 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:

16 Voted for position

0 Voted against position

1 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4566 would allow the court to order a child support recipient to repay child support to the payer on the basis of fraud, misrepresentation or other misconduct by the recipient in relation to the support order, or if the recipient uses the child support for a purpose other than support of the child. These provisions only apply to support recipients, and not to payers. The first set of provisions contain very broad and vague grounds for requiring repayment. The committee felt that the court rule provision on relief from judgment was better drafted and was sufficient. The second provision would require custodial parents to spend their time accounting for funds in an artificial manner, rather than taking care of their children. This provision would allow obsessive payers to harass the recipients, to the detriment of both parents and children. The Council opposes this bill in its entirety.

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-4566>