

Report on Public Policy Position**Name of section:**

Family Law Section

Contact Person:

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Bill Number:

[HB 5050](#) (Stakoe) Family law; friend of the court; bank accounts of self-employed child support payers; require payers to disclose and allow friend of court to obtain information regarding. Amends sec. 5a of [1982 PA 295](#) (MCL [552.605a](#)) & adds sec. 27a.

Date position was adopted:

December 1, 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:

17 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

Position:

Support with recommended amendments

Explanation of the position, including any recommended amendments:

HB 5050 would require a child support payer with no source of income to provide the Friend of the Court with information about any financial account they hold. If an arrearage of two months or greater accrues, the Friend of the Court may request the financial institutions holding those accounts to provide information about the amount of money in those accounts and the ownership of the accounts.

The Family Law Section supports this bill in principle, but recommends that the bill be amended in two respects. The Section was concerned that "source of income" is so broadly defined under other statutes that no one would qualify as having no source of income. The Section recommends that the bill referred to self-employed and unemployed payers of support. The Section also feared the disclosure of possibly privileged information regarding



client holdings in IOLTA accounts, and suggests that a financial institution need only report the existence of the account, and that it is an IOLTA account.

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?2007-HB-5050>