

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

Family Law Section

Contact person:

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[SB 1203](#) (Basham) Family law; child custody; payment of child support by person claiming to be the father in adoption dispute; allow establishment of friend of the court case. Amends [1982 PA 294](#) (MCL [552.501](#) - [552.535](#)) by adding sec. 5b.

Date position was adopted:

April 10, 2010

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

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

SBs 1200- 1203 arose from the facts in the case In re MKK, no. 292065. In that case the trial judge held a paternity proceeding in abeyance pending the resolution of the adoption. The court of appeals reversed, holding that it was essential to determine the child's father in order to decide whether the child was available for adoption. These bills seek to remedy a problem that has already been resolved by this appellate decision and in this instance the cure is worse than the disease.

SB 1203 would require the Friend of the Court to open an account to collect support from a putative father without any underlying court order. Presumably this would assist the putative father in proving that they had attempted to provide support for their child. The Friend of the Court is set up to enforce court orders. Without a court order

the Friend of the Court would have no vehicle for dealing with these voluntary payments, nor for disbursing them to the appropriate person. The Family Law Section felt that this was an inappropriate duty to impose on an overburdened agency and opposes this bill.

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?2010-SB-1203>