FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 0521

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. The number who voted opposed to this position was 0.

SBM | FAMILY LAW SECTION

State Bar of Michigan

Report on Public Policy Position

Name of section:
Family Law Section

Contact person:
Kent Weichmann

E-Mail:
weichmannk@att.net

Bill Number:
SB 0521 (Emmons) Family law; child support; authority of friend of the court to issue subpoenas for show cause and notice to appear; allow, and provide for other general amendments. Amends secs. 31, 32, 33, 37, 44 & 45 of 1982 PA 295 (MCL 552.631 et seq.) & adds sec. 36.

Date position was adopted:
October 5, 2013

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:
20 Voted for position
0 Voted against position
0 Abstained from vote
1 Did not vote

Position:
Support and Amend

Explanation of the position, including any recommended amendments:
SB 521 changes the Friend of the Court enforcement procedure from court Orders to Show Cause to attorney issued subpoenas to appear in conjunction with enforcement motions. This eliminates the illusion that the court is meaningfully reviewing the issuance of OSCs. The bill also requires the court to assess FOC costs of enforcing spousal support against the payer.

The Family Law Section supports this bill, but proposes that it be amended to make the process for enforcing support and enforcing parenting time the same, and to make the assessment of spousal support enforcement costs permissive, rather than mandatory.

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?2013-SB-0521