FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4477

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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 2,945.

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 of this position was 14. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

SBM | FAMILY LAW SECTION

Report on Public Policy Position

Name of Section:
Family Law Section

Contact person:
Kent Weichmann

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Bill Numbers:
HB 4477 (Kesto) Civil procedure; appeals; service of papers; provide for alternate service if party is protected by a protective order. Amends secs. 227 & 316 of 1961 PA 236 (MCL 600.227 & 600.316).

Date position was adopted:
May 2, 2015

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
0 Voted against position
1 Abstained from vote
6 Did not vote (absent)

Position:
Oppose

Explanation of the position, including any recommended amendments:
HB 4477 requires the Court of Appeals to facilitate service of a party who is subject to a protection order. Although it is important to continue protections for victims when a case is on appeal, the bill doesn't provide any mechanism for the Court of Appeals to discern the protected party's address, rendering the process unworkable. The Family Law Section opposes the bill until that issue is resolved.

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?2015-HB-4477