FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 1001

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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 18. The number who voted opposed to this position was 1.

Report on Public Policy Position

Name of section:
Family Law Section

Contact person:
Kent Weichmann

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Bill Number:
SB 1001 (Caswell) Family law; child support; fee for collecting and processing child support withholdings; provide for. Amends sec. 23 of 1982 PA 295 (MCL 552.623).

Date position was adopted:
April 14, 2012

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

Position:
Oppose

Explanation of the position, including any recommended amendments:
SB 1001 would allow employers to charge their employees $2 per pay period for withholding child support. Michigan is one of seven states that do not permit a charge for child support withholding. While recognizing that there is a cost to employers to implement income withholding, the Family Law Section believes that there are countervailing public policy reasons not to charge employees for income withholding.

Income withholding is mandatory for all child support payers, like taxes and social security withholding. It costs employers to withhold taxes, yet we do not allow employers to charge that cost to employees. Child support is equally important. Imposing a charge to employees for income withholding will provide yet another incentive for child support payers to attempt to dodge income withholding, which means that their children will not get support.

It will also have a disparate impact on the poorest employees, working part time for minimum wage, and drawing weekly paychecks.

It has also become easier, not harder, for employers to comply with income withholding. MISDU provides single address for all income withholding (instead of 80 different Friends of the Court), the income withholding notices are standardized, and income withholding can be transmitted in a single Electronic Funds Transfer.

The Family Law Section opposes the imposition of any charge to employees for income withholding.

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?2012-SB-1001