

Public Policy Position
HB 4074

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,444 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On March 2, 2019, the Section adopted its position after a discussion and vote at a scheduled meeting. 16 members voted in favor of the Section's position on HB 4074, 0 members voted against this position, 3 members abstained, 2 members did not vote.

Oppose

Explanation:

This amendment to the existing act would further restrict a family court judge's discretion by removing exemption which currently permits judges to grant custody of minors to individuals convicted or found by clear and convincing evidence of having violated MCL 750.520d(1)(a). The Section believes that family court judges will be able to properly evaluate this, among all the other relevant factors in fashioning a custody award, and further restricting judicial discretion in these circumstances may not be in the child's best interests in every case. That is a decision best left to the trial court judge to weigh the evidence, which this amendment would preclude.

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