

## FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4845

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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 2,792.

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 0. The number who abstained from voting was 0.

## Report on Public Policy Position

**Name of section:**

Family Law Section

**Contact person:**

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**Bill Number:**

[HB 4845](#) (Runestad) Family law; child custody; legal residence change of child whose parental custody is governed by court order; modify. Amends sec. 11 of [1970 PA 91](#) (MCL [722.31](#)).

**Date position was adopted:**

September 12, 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:**

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

HB 4845 amends the statute requiring court permission to change the location of a child's legal residence by more than 100 miles and reduces it to 50 miles. It also changes the measurement of that distance to the amount measured by a vehicle's odometer. The Family Law Section opposes both amendments. Parties to custody cases should maintain some freedom to make decisions about where they wish to reside, and a 50 mile limit is overly restrictive. The measurement by a vehicle's odometer is not a consistent method of measurement, depending on the route taken. This will lead to disputes over appropriate driving routes (quickest versus shortest versus safest). The Family Law Section 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?2015-HB-4845>