

**Public Policy Position  
HB 4891**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,784 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 June 2, 2018, the Section adopted its position after a discussion and vote at a scheduled meeting. 11 members voted in favor of the Section's position on HB 4891, 5 members voted against this position, 2 members abstained, 3 members did not vote.

**SUPPORT WITH RECOMMENDED AMENDMENTS****Explanation:**

Family Law Section voted that the exception listed in the bill under (E)(iii) should be amended to read "the other parent, unless authorized by a court".

The Family Law Section believes that the exception under (E)(iii) as currently stated in the version that passed the House may lead to widespread eavesdropping on children's conversation with the other parent, despite the current language that the eavesdropping parent must have a "good faith, objectively reasonable basis for believing that eavesdropping is necessary to protect the well-being or safety of the minor child". The potential for parents to abuse this exception, to the detriment of the minor child, is concerning. A court order, such as in cases of supervised parenting time, would minimize such overreaching.

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