

**Public Policy Position  
SB 0463**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,558 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 6, 2020, the Section adopted its position after an electronic discussion and vote. 13 members voted in favor of the Section's position, 7 members voted against this position, 0 members abstained, 1 member did not vote.

**Support with Recommended Amendments**

**Explanation:**

The Family Law Section was very concerned about providing a parent with the ability to eavesdrop on the child's conversation with the other parent, even with the requirement that the eavesdropping parent must have an objectively reasonable basis to believe that doing so will protect the safety and welfare of the child. Both parents have a co-equal right to confidential conversations with the child. There is concern that opening the door to parental eavesdropping by other parent would open the floodgates to abuse. Parents should still have the ability to seek supervised parenting time with the court, which may include phone calls and virtual parenting time. As a result, the Family Law Section supports the bill with 3 recommended amendments:

- (1) that the word "custodial" be removed from section (e) line 20 and section (e)(iii) line 27;
- (2) that language in section (e) line 20 stating "custodial parent, foster parent, or guardian of a minor child" be replaced with the following "a parent, guardian, or legal custodian of a minor child" [this amendment would make it consistent with abuse and neglect statute terminology]; and
- (3) that section (e)(iii) be amended to read, "The other parent. Nothing in this section shall prohibit a court from ordering supervised or monitored parenting time, which may include supervised telephone communication and electronic/virtual parenting time."

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