

FAMILY LAW SECTION

Respectfully submits the following position on:

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SB 0458

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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 2,962.

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 19. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

Kent Weichmann

E-Mail:kent.weichmann@3rdcc.org**Bill Number:**

[SB 0458](#) (Schuitmaker) Children; adoption; grounds for termination of parental rights; clarify under certain circumstances. Amends sec. 51, ch. X of [1939 PA 288](#) (MCL [710.51](#)).

Date position was adopted:

March 5, 2016

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:

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

SB 458 modifies the Probate Code to address barriers to stepparent adoptions that arose out of the ruling in *In re AJR* and other cases. On page 3, lines 12-13, the bill changes “the parent having legal custody of the child” to “a parent having custody of the child according to a court order.” This removes a restriction on standing that was not intended in the statute.

The bill also adds lines 22-24 on page 3, to clarify that \$0 support or reserved support should be treated as no support for the purpose of this section.

Both provisions eliminate unintended restrictions on stepparent adoptions. The Family Law Section supports 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-SB-0458>