

**Public Policy Position
HB 6316**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,492 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 November 16, 2018, the Section adopted its position after a discussion and vote at a scheduled meeting. 20 members voted in favor of the Section's position on HB 6316, 0 members voted against this position, 0 members abstained, 1 member did not vote.

OPPOSE**Explanation:**

The Family Law Section opposes this bill to create a presumption to terminate a natural parent's or putative father's parental rights if convicted more than 2 felonies, violent or non-violent and has been convicted as a "habitual offender" under the criminal code. The Family Law Section had concerns that multiple offenses alone should not be cause to terminate parental rights. For example, a parent may be convicted of minor offenses at a young age before the child's birth, then years later commits another non-violent offense, requiring that parent to prove by clear and convincing evidence that his/her rights should not be terminated. The potential consequence seems too harsh under such a such a scenario and such a law would take away a judge's discretion.

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