

FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4120

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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.

The State Bar's position in this matter is oppose.

The total membership of the Family Law Section is 2,481.

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.

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

Family Law Section

Contact person:

Kent Weichmann

E-Mail:weichmannk@att.net**Bill Number:**

[HB 4120](#) (Rogers) Family law; child custody; joint custody in every custody dispute between parents; mandate except in certain circumstances. Amends secs. 5 & 6a of [1970 PA 91](#) (MCL [722.25](#) & [722.26a](#)).

Date position was adopted:

March 2, 2013

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

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4120 mandates equal physical custody in all custody cases, unless one parent's parental rights are subject to termination under the Probate Code. Equal physical custody would be mandated even if the parents lived in different states, or different countries. The court would not be able to consider the best interests of the child.

The focus in custody cases should remain the best interests of the children. Good parents usually substantially share parenting in a variety of schedules, depending on their children's needs and the parents' availability. HB 4120 mandates one result for all families, and not a result that the majority of families work out for themselves. It does not help good parents, who end up with substantially shared parenting time under current law, but it really benefits bad parents. The court would no longer be able to control malicious or dangerous parenting. As long as a parent did not have their parental rights terminated, they would be entitled to equal time with their child no matter how

poor their care was, no matter how much they sought to damage the child's relationship with the other parent, no matter how distraught, unhappy or even suicidal the children became under their care.

An uninvolved bad parent would still insist on their right to equal time under this bill because an equal parenting time order would vastly reduce their child support, and in many instances allow them to obtain support from the parent who was the primary nurturing parent.

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?2013-HB-4120>