

DOMESTIC VIOLENCE COMMITTEE
Respectfully submits the following position on:

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SB 0325

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The Domestic Violence Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Domestic Violence Committee. The State Bar of Michigan has authorized the Domestic Violence Committee to advocate its position.

The State Bar position on this matter is to support.

The total membership of the Domestic Violence Committee is 17.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 17. The number who voted in favor to this position was 12. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of committee:

Domestic Violence Committee

Contact person:

Rebecca Shiemke

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Bill Number:

[SB 325](#) (Jones) Children; abduction; uniform child abduction prevention act; create. Creates new act.

Date position was adopted:

May 28, 2013

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

This is the Uniform Child Abduction Prevention Act and would permit the court, on its own motion or motion of a party and on a showing that the other parent poses a credible risk of abduction, to order abduction prevention measures.

This version of the UCAPA offers remedies for domestic violence victims if their abuser has threatened to flee with their shared children. At the same time, the bill includes a number of provisions designed to limit application of the Act against domestic violence survivors who are fleeing with their children to seek safety from abuse. Specifically, protective measures include:

- The definitions of “wrongful removal” and “wrongful retention” exclude actions taken to provide for the safety of a party or child.

- The bill lists a number of factors the court must consider in determining whether there is a risk of child abduction, including activities that are part of a safe plan for domestic violence survivors. It includes language to exclude planning activities related to providing for the safety of a party or the child while avoiding or attempting to avoid domestic violence.
- The bill provides that if the court finds that the fleeing parent's conduct was intended to avoid domestic violence or imminent harm to child or respondent, the court shall not issue an abduction prevention order.

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-SB-0325>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

The bill sets for procedural guidelines to courts within the context of courts' existing authority and discretion, which evinces the bill's purpose to facilitate and improve a court's exercise of its authority.