



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4161 (Pastor) Family law; child custody; provision regarding presumption of custody in acknowledgment of parentage act; repeal. Repeals sec. 6 of 1996 PA 305 (MCL 722.1006).

Date position was adopted:

March 5, 2005

Process used to take the ideological position:

Voted on by Family Law Council at their monthly meeting on March 5, 2005

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

Voice vote

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

HB 4161, sponsored by Reps. Pastor and Gosselin and referred to Judiciary, would repeal part of the Acknowledgement of Paternity act (MCL 722.1006) which provides: "After a mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed by the parties in writing."

This provision is not a legal presumption in favor of the mother in the event of a custody dispute, but it prevents physical fights over possession of babies after the parents sign an acknowledgement of paternity (at the hospital, for example). If this provision is repealed, a newborn would be up for grabs as soon as a paternity acknowledgement was signed by both parties. It may be true that good fathers would never just grab their child and run, but this bill would allow bad fathers to do so. The council does not oppose a modification of the current statute to clarify that there is no legal presumption in favor of the mother in a custody dispute, but the council voted to oppose this bill.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4161>