



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

SB 386 (Clark-Coleman) Family law; parenting time; grandparenting time; amend adoption code to establish child custody act provisions as controlling. Amends sec. 60, ch. X of 1939 PA 288 (MCL 710.60).

Date position was adopted:

May 7, 2005

Process used to take the ideological position:

Vote at Family Law Council meeting

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

15-0

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:

SB 386 introduced by a host of senators and referred to the Committee on Senior Citizens and Veteran's Affairs, would amend the grandparent visitation provision of the adoption code to accord with the new grandparent visitation statute. SB 386 seeks to amend MCL 710.60 which is the section in the adoption code that previously permitted grandparent visitation and referred back to MCL 722.27b. In this draft, however, the drafter eliminated a very important provision of the old statute, lines 21 - 26 of the existing law, which require any petition for grandparent visitation in a stepparent setting to be sought during the pendency of the stepparent adoption proceeding. That language needs to be saved. This could be done by inserting the following language in section (3) of the statute: "(3) This section does not prohibit the FILING OF AN ACTION OR entry of an order for grandparenting time during the pendency of a stepparent adoption proceeding AS PROVIDED IN section 7b of the child custody act of 1970, 1970 pa 91, mcl 722.27b"

The Council voted to oppose this bill unless that language is included and SB 420 passes.

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-SB-0386>