



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

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**Bill Number:**

**HB 5100** (Jones) Family law; parental rights; military parental custody rights; clarify. Amends secs. 2, 5 & 7 of 1970 PA 91 (MCL 722.22 et seq.).

**Date position was adopted:**

10/8/05

**Process used to take the ideological position:**

Voice vote of Council members present at meeting.

**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 5100, introduced by Rep. Jones and referred to the Committee on Family and Children's Services, would amend the child custody act on behalf of Reserve or National Guard unit members called into active military duty. The bill, as passed by the house, would bar the court from considering any separation caused by military service in a best interests evaluation, and would prohibit the destruction of the established custodial environment during military service.

The Council opposes this bill. The bill changes the focus of the child custody act from the best interests of the child to fairness to a parent. The bill directs the court to ignore reality, to pretend that an absence of a parent for an extended period of time will not have any effect on where the child is most comfortable. The Council felt that children of military parents should not be treated as second class citizens and awarded as a prize for military service.

**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-5100>