



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

Kent Weichmann

**Email:**

weichmann@earthlink.net

**Bill Number:**

**SB 535** (Jelinek) Family law; child custody; proven drug use history and convictions; allow to be used when determining custody of child. Amends sec. 3 of 1970 PA 91 (MCL 722.23).

**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:**

SB 535, introduced by Sens. Jelinek, Allen, Hardiman and Birkholz and referred to the Committee on Families and Human Services, would add "evidence of controlled substance abuse" to the moral fitness factor of the best interest of the child. The bill attempts to precisely define controlled substances and their abuse by reference to the criminal code.

The Council opposes this bill. The Council felt that the problem of substance abuse is already adequately covered by the best interest factors, and that the bill would over emphasize one aspect of the custody evaluation. There is also the danger that the precise definition of drug abuse would, by implication, condone conduct not within its parameter.

**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-0535>