



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

Kent Weichmann

**Email:**

weichmann@earthlink.net

**Bill Number:**

**HB 6319** (Jones) Family law; child custody; award of custody to parent convicted of criminal sexual conduct against his or her child; prohibit. Amends sec. 5 of 1970 PA 91 (MCL 722.25).

**Date position was adopted:**

November 4, 2006

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

Vote of Council members at the meeting

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

13-0

**Position:**

The Family Law Section supports HB 6319 in concept. HB 6319 would modify MCL 722.25 to provide an absolute bar to the award of custody to a parent who has been convicted of any form of criminal sexual conduct in which their own child is the victim. The statute presently provides an exception for cases in which the other parent and the child consent to custody with that parent. The bill would eliminate that exception. The Council supported the concept of the bill, but was concerned that some of the lesser degrees of criminal sexual conduct did not necessarily merit an absolute bar to custody, especially if the only alternative would be foster care. The Council supports this bill, and would like to work with the drafters on the language.

**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://legislature.mi.gov/doc.aspx?2006-HB-6319>