



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

Kent Weichmann

Email:

weichmann@earthlink.net

Bill Number:

SB 543 (Barcia) Children; protection; appeal process; provide for. Amends 1935 PA 220 (MCL 400.201 - 400.214) by adding sec. 5b.

Date position was adopted:

June 2, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support with recommended amendments

Explanation of the position, including any recommended amendments:

SB 543 sets up an administrative process for appealing the placement decision of the Superintendent of the Michigan Children's Institute. Current law does not make it clear that there is any appeal process from these decisions. It is important to provide for a right to appeal the Superintendent's decision, but appeal should be to the Family Court Judge, who already hears these appeals in certain circumstances. The Family Law Council supports this bill but strongly suggests that it be amended to provide that appeal is heard by the Family Court Judge.

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?2007-SB-0543>