

FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4740

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a regularly scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

Kent Weichmann

E-Mail:weichmannk@att.net**Bill Number:**

[HB 4740](#) (Constan) Family law; child custody; factors determining best interest of child; include equal time with both parents as a factor. Amends sec. 3 of [1970 PA 91](#) (MCL [722.23](#)).

Date position was adopted:

September 15, 2011

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:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4740 would amend the Child Custody Act to add a new best interest factor: "THE EXTENT TO WHICH THE EXISTING OR PROPOSED CUSTODIAL ENVIRONMENT PROVIDES SUBSTANTIALLY EQUAL TIME WITH BOTH PARENTS". The amendment doesn't make it clear whether it is a positive factor, e.g., "love, affection, and other emotional ties ..." or a negative factor, e.g., "domestic violence, regardless of whether the violence was directed against or witnessed by the child." The Family Law Section believes that adding this factor would give improper preference to a particular parenting arrangement, without any evidence that equal parenting arrangements are per se better for children. The Family Law Section opposes this bill.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. <http://legislature.mi.gov/doc.aspx?2011-HB-4740>