

FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 1000

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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 scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 17. 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:**

[SB 1000](#) (Moolenaar) Family law; parenting time; parenting time in a country not a party to the Hague convention on the civil aspects of international child abduction; prohibit. Amends sec. 7a of [1970 PA 91](#) (MCL [722.27a](#)).

Date position was adopted:

March 3, 2012

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:

17 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

SB 1000 would prevent the court from allowing parenting time to occur in any country not party to the Hague Convention. The concern is that a parent is left without any recourse if the children are not returned, except bringing an action in the country where the children have been taken.

The Family Law Section acknowledges the legitimacy of these concerns, but notes that many Hague Convention signatories (e.g. Brazil, Chile, Honduras, Greece and Mexico) do not provide any meaningful relief in these cases either. Signature to the Hague Convention is not a meaningful litmus test to guaranty the return of a child. In addition, a parent has little control over whether their home country is a signatory, and a blanket prohibition of parenting time in those countries is overbroad. The Family Law Section believes that the Uniform Child Abduction Prevention Act (UCAPA) provides a more balanced approach in these cases and allows the court to evaluate each

case on its merits to set up necessary restrictions and protections based on the facts of the case. The Family Law Section opposes this bill and recommends the adoption of the UCAPA to address this issue.

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?2012-SB-1000>