

FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 1312

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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 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

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Bill Number:

[SB 1312](#) (Jones) Children; protection; best interest of the child determination relating to child abuse and neglect; modify. Amends secs. 2, 3, 4, 5, 6a, 7, 7a & 7b of [1970 PA 91](#) (MCL [722.22](#) et seq.) & adds secs. 3a & 6f.

Date position was adopted:

December 6, 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:

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:

SB 1312 is the Senate version of HB 5812, which we are on record opposing. The language appears identical, and has the effect of injecting abuse and neglect issues into all custody determinations. These issues are easily considered under the best interest factors, and it would be harmful to change the focus of custody determinations to abuse and neglect considerations. 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?2012-SB-1312>