

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

Family Law Section

Contact person:

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[SB 1202](#) (Basham) Family law; child custody; award at custody based on best interests of the child; provide an exception if mother does not contest request by father in certain paternity actions. Amends sec. 5 of [1970 PA 91](#) (MCL [722.25](#)).

Date position was adopted:

April 10, 2010

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:

16 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

SBs 1200- 1203 arose from the facts in the case *In re MKK*, no. 292065. In that case the trial judge held a paternity proceeding in abeyance pending the resolution of the adoption. The court of appeals reversed, holding that it was essential to determine the child's father in order to decide whether the child was available for adoption. These bills seek to remedy a problem that has already been resolved by this appellate decision and in this instance the cure is worse than the disease.

SB 1202 amends the paternity act to exempt a custody action arising from a paternity establishment during an adoption proceeding from application of the best interest factors. For the same reasons as for the preceding bill, 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?2010-SB-1202>