

Public Policy Position HB 4174

The Children's Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 490 members. The Children's Law Section is not the State Bar of Michigan and the position expressed herein is that of the Children's Law Section only and not the State Bar of Michigan. The State Bar's position is to support HB 4174 and authorize the Children's Law Section to advocate its position.

The Children's Law Section has a public policy decision-making body with 19 members. On March 20, 2025, the Section adopted its position after a discussion and vote at a scheduled meeting. 11 members voted in favor of the Section's position, 1 member voted against this position, 3 members abstained, 4 members did not vote.

Support with Recommended Amendments

Explanation:

The Children's Law Section supports HB 4174 with a recommendation that any language about a rebuttable presumption of inadmissibility be removed. The bill should automatically render all statements by a child inadmissible if any deception was used during the interaction, and we oppose giving prosecutor's the ability to rebut that. We support a public policy against police using deception when interacting with children. The use of deception creates distrust and makes it less likely that children will be willing to cooperate with police, even when it would be that they do interact with them. Allowing police to use deception when interacting with children can also run the risk of teaching children that it is okay for them to lie because people they are told to trust (i.e., police) are allowed to lie. In order to enforce a public policy against the use of deception by police and others when interacting with children, the only viable remedy is a full prohibition on the use of deception.

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