

**Public Policy Position
HB 5340**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,589 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. The State Bar's position in the matter is to support the concept of family treatment courts but oppose the requirement of participant waiver of counsel and the categorical exclusion of violent offenders.

The Family Law Section has a public policy decision-making body with 21 members. On November 6, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 16 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 5 members did not vote.

Oppose

Explanation:

There was general consensus among the Family Law Council that the concept of a family treatment court, if properly implemented, can be very impactful. There were concerns about certain provisions in the bill as drafted, including a provision that an individual must waive their right to counsel to enter the program. Other concerns raised included the fact that commission of a "violent crime" in the past disqualified an individual from the program, regardless of the circumstances of the crime, and the length of time that has passed since. It was agreed that judicial discretion should be provided for in the bill so as to allow a judge to consider the specifics facts and circumstances and allow an individual into the program. Such judicial discretion is not provided for in the current draft of the bill.

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