

**Public Policy Position  
HB 5418**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,498 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. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On March 7, 2020, the Section adopted its position after a discussion and vote at a scheduled meeting. 12 members voted in favor of the Section's position on HB 5418, 4 members voted against this position, 2 members abstained, 3 members did not vote.

**Oppose**

**Explanation:**

The Family Law Council was deeply concerned with Do Not Resuscitate Orders for minor children. DNR's are common among adults in the context of estate planning, and after having an opportunity to carefully consider the options. However, the concept of a parent or guardian executing a DNR for a child, even one with an advanced illness, was disconcerting. There was also concern that, a parent with sole legal custody (decision-making) could execute a DNR unilaterally without the other parent's input. The fact that one parent may have been denied joint legal custody at one point would give that parent no voice in the execution of a DNR for their child. Furthermore, the Council had deep concerns about a guardian having the authority to execute a DNR on behalf of a ward, as well as a school retaining a DNR on file and creates too much responsibility on school staff and teachers to provide or not to provide life saving measures versus comfort care. In the end, Council did not believe it was appropriate to place the school in the position of carrying out the parents' or guardians wishes, even with the protection of criminal and civil immunity.

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