

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4132

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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 3,086.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor of this position was 19. 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

E-Mail:

weichmannk@att.net

Bill Number:

[HB 4132](#) (Geiss) Family law; parenting time; right to first refusal of child care for children during other parent's normal parenting time; provide for. Amends [1970 PA 91](#) (MCL [722.21](#) - [722.31](#)) by adding sec. 7c.

Date position was adopted:

March 7, 2015

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:

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote (absent)

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4132 is a reintroduction of a bill the Family Law Section opposed last term, providing statutory authority for the right of first refusal. Although the right of first refusal for parenting time sounds like it would be a good idea, in practice it encourages stalking behaviors in parents and embroils children in ongoing conflict. It legitimizes a divorced parent's inquiries into their former spouse's life, and can prevent children from spending overnights at a friend's house or with their grandparents. Judges currently have the authority to include a right of first refusal in their orders; the fact that they rarely do so is not due to a lack of statutory authority, but rather due to their realization that it is bad for children. 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?2015-HB-4132>