

## FAMILY LAW SECTION

Respectfully submits the following position on:

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**HB 4141**

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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

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**Bill Number:**

[HB 4141](#) (Runestad) Family law; child custody; joint custody in every custody dispute between parents; mandate except in certain circumstances. Amends secs. 5 & 6a of [1970 PA 91](#) (MCL [722.25](#) & [722.26a](#)).

**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 4141 is the mandatory equal physical custody bill, which the Family Law Section has opposed in previous terms. The bill provides that the court must award substantially equal parenting time to the parents, unless the court finds clear and convincing evidence that a parent is unfit, unwilling or unable to care for a child. This makes the best interests of the child irrelevant and determines that only one type of parenting arrangement is available to all Michigan families. Equal parenting time would require some children to switch school districts every 6 months, creating challenges for good students and severe impediments for less capable children. This legislation benefits bad parents at the expense of good parents and children. Under this bill, good parenting is irrelevant, the children's feelings are irrelevant, and bad co-parenting behavior is irrelevant. Among the parents who were most enthusiastic about this concept were convicted felons, who would be entitled to equal parenting time upon their release from prison, and would be able to demand child support from the spouse who had been struggling to support the children on their own.

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-4141>