

**Report on Public Policy Position****Name of section:**

Family Law Section

**Contact person:**

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**E-Mail:**[weichmannk@att.net](mailto:weichmannk@att.net)**Bill Number:**

[SB 0135](#) (Robertson) Children; parental rights; process for judicial waiver of parental consent requirement; clarify. Amends secs. 3 & 4 of [1990 PA 211](#) (MCL [722.903](#) & [722.904](#)).

**Date position was adopted:**

November 5, 2011

**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:**

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

SB 135 changes the standards for granting waivers of parental consent for a minor seeking an abortion. Currently waivers are granted if the family court judge finds that the minor is sufficiently mature and well-enough informed to make the decision regarding abortion independently of her parents or legal guardian; or if the court finds that the waiver would be in the best interests of the child. SB 135 frames the issue as “whether the common law standard that a minor is not capable of providing informed consent for medical treatment should be contravened”, and “whether the common law standard that a minor’s best interest is served by involvement of the minor’s parents in medical decision making should be contravened.” The new factors defining each new standard make it much more difficult for a minor to qualify for a waiver of parental consent. The Family Law Section believes that the current standards work properly and that there is no need or justification for the proposed changes. This kind of deferral to

parental decision-making would never be considered if a parent was insisting that a daughter get an abortion, and it is not appropriate in cases where a minor is seeking an abortion. 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?2011-SB-0135>