

## Report on Public Policy Position

**Name of section:**

Family Law Section

**Contact person:**

Kent Weichmann

**E-Mail:**

[weichmannk@att.net](mailto:weichmannk@att.net)

**Bill Number:**

[HB 5163](#) (Damrow) Family law; child custody; delegation of visitation rights for service members; allow. Amends sec. 7 of [1970 PA 91](#) (MCL [722.27](#)) & adds sec. 7c.

**Date position was adopted:**

December 3, 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:**

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

**Position:**

Oppose

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

HB 5163 prohibits the court from considering the effect of a parent's active military duty when a motion to modify custody is filed. The effect of separation on the child must be ignored or disregarded. The parent on active military duty may also ask the court to delegate the "guardianship or visitation rights" to a third party during the parent's active military duty. If the other parent seeks to modify the pre-existing schedule, the biological parent must prove that it is in the best interest of their child by clear and convincing evidence to even get a temporary order. This turns the constitutional standard on its head by favoring non-parents over parents.

The Family Law Section opposes this bill. It favors non-parents over parents, ignores the effect of extended separation on children, requires the court to disregard salient facts, and treats children in military families as second class citizens.

**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-HB-5163>