

## FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 5812

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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 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. 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](mailto:weichmannk@att.net)**Bill Number:**

[HB 5812](#) (Damrow) Children; protection; best interest of the child determination relating to child abuse and neglect; modify. Amends secs. 2, 3, 4, 5, 6a, 7, 7a & 7b of [1970 PA 91](#) (MCL [722.22](#) et seq.) & adds secs. 3a & 6f.

**Date position was adopted:**

September 20, 2012

**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:**

HB 5812 proposes to modify the Child Custody Act to include definitions of various types of abuse and neglect, and add them as factors in determining the best interests of a child in a custody dispute. Child abuse and neglect cases are more appropriately handled under the Juvenile Code, MCL 712A.1 et seq., and Child Protection Law, MCL 722.621 et seq.. Focusing child custody disputes on abuse and neglect considerations will encourage the parties to characterize each other's parenting in the worst light, and increase the conflict in these cases. Such conflict is extremely damaging to the children caught in the middle. HB 5812 also encourages the testimony of children in custody cases. This is a nightmare come true for most children, and is most often sought by parents who have little empathy for the stress and guilt their children will endure. 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?2012-HB-5812>