

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4584

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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 16. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Bill Number:

[HB 4584](#) (Johnson) Family law; parenting time; immediate termination of a grandparenting time order upon sentencing for certain criminal sexual conduct; allow. Amends sec. 7b of [1970 PA 91](#) (MCL [722.27b](#)).

Date position was adopted:

May 4, 2013

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:

16 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose and Amend

Explanation of the position, including any recommended amendments:

HB 4584 is a companion bill to HB 4583, addressing grandparenting time for a grandparent convicted of criminal sexual conduct of a child or a sibling of a child. The Family Law Section had the same technical concerns with this bill as we had with HB 4583. The bill contains a sentencing direction to the judge in a criminal case, but this language is found in the grandparent visitation section of the child custody act, where the neither the judge nor the prosecutor is likely to look. If the judge is made aware of this requirement, the order in the criminal sentencing must be conveyed to the Family Court case, without any clear mechanism for accomplishing this.

In addition, the language applies to CSC against any child or a sibling (even an adult sibling) of any child, but it appears the intent was to terminate the grandparenting rights of a person who abused their own grandchild (otherwise the sibling language is unnecessary). Few grandparents have court ordered grandparenting time, so it

isn't clear where an order terminating grandparenting time would be filed. The Family Law Section opposes this bill until these technical issues are addressed.

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?2013-HB-4584>