



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4140 (Jones) Family law; child custody; award of custody to parent convicted of criminal sexual conduct against his or her child; prohibit. Amends sec. 5 of 1970 PA 91 (MCL 722.25).

Date position was adopted:

March 10, 2007

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:

14 Voted for position

3 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Support and Recommend Amendments

Explanation of the position, including any recommended amendments:

HB 4140 is a reintroduction of HB 6319, which we supported in principle last session. HB 4140 would modify MCL 722.25 to provide an absolute bar to the award of custody to a parent who has been convicted of any form of criminal sexual conduct in which their own child is the victim. The statute presently provides an exception for cases in which the other parent and the child consent to custody with that parent. The bill would eliminate that exception. The Council felt that some of the lesser degrees of criminal sexual conduct may not necessarily merit an absolute bar to custody. The Council supports this bill in principle, and volunteers to work with the drafters on the language of the bill.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://legislature.mi.gov/doc.aspx?2007-HB-4140>