The
THE FAMILY LAW SECTION
respectfully submits the following position on:

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HB 5908

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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 of Michigan does not have a position on this matter.

The total membership of the Family Law Section is 2,585.

The position was adopted after review and vote by members elected to the Family Law Section's Council. 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:**
Kent Weichmann

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**Bill Number:**
HB 5908 (Stahl) Children; adoption; objection to placements by child placing agency based on religious or moral convictions; allow. Amends secs. 23b, 23d, 23e & 46, ch. X of 1939 PA 288 (MCL 710.23b et seq.).

**Date position was adopted:**
May 6, 2006

**Process used to take the ideological position:**
Vote of Council members present at monthly meeting

**Number of members in the decision-making body:**
11

**Number who voted in favor and opposed to the position:**
16-0

**FOR SECTIONS ONLY:**

- ✓ **This subject matter of this position is within the jurisdiction of the section.**
- ✓ **The position was adopted in accordance with the Section's bylaws.**
- ✓ **The requirements of SBM Bylaw Article VIII have been satisfied.**

***If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.***

**Position:**
HB 5908 sponsored by Rep. Stahl and a host of other representatives and referred to the Family and Children Services Committee, allows child placing agencies to discriminate in their placement of children in accordance with the agency's religious or moral convictions, and prevents government entities from discriminating against such agencies.

The relevant language is:
"A child placing agency is not required to perform, assist, counsel, recommend, facilitate, refer, or participate in a placement that violates the child placing agency's written religious or moral convictions or policies. A state or local government entity may not deny a child placing agency a grant, contract, or participation in a government program because of the child placing agency's objection to performing, assisting, counseling, recommending, facilitating, referring, or participating in a placement that violates the child placing agency's written religious or moral

convictions or policies."

An agency could discriminate against a qualified adoptive parent based on race, religion, political affiliation or sexual orientation, as long as it proclaims that in writing as a moral conviction. DHS could not refuse to contract with such an agency in placing children who became wards of the state. The Family Law Council voted unanimously to oppose this bill. The bill would allow the government to engage in invidious discrimination through the vehicle of a discriminating agency. It would also prevent children from being placed with qualified adoptive parents, due to the prejudices of the placing agency.

**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://www.legislature.mi.gov/(woaist45meeuuiecktihdx45)/mileg.aspx?page=getObject&objectName=2006-HB-5908