FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4481

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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 2,945.

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 of this position was 15. The number who voted opposed to this position was 0. The number who abstained from voting was 0.

SBM | FAMILY LAW SECTION

Report on Public Policy Position

Name of Section:
Family Law Section

Contact person:
Kent Weichmann

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Bill Numbers:
HB 4481 (Lyons) Family law; child custody; custody or parenting time for certain parents of a child conceived through sexual assault or sexual abuse; prohibit under certain circumstances. Amends secs. 5 & 7a of 1970 PA 91 (MCL 722.25 & 722.27a).

Date position was adopted:
May 2, 2015

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:
15 Voted for position
0 Voted against position
0 Abstained from vote
6 Did not vote (absent)

Position:
Oppose

Explanation of the position, including any recommended amendments:
HB 4481 expands the prohibition on awarding custody of a child conceived by Criminal Sexual Conduct to a parent convicted of that act. This bill extends that prohibition to a parent found by clear and convincing evidence to have committed nonconsensual sexual penetration. This would require family courts to conduct criminal sexual conduct trials without any of the machinery or protections of the criminal court. This will consume large amounts of scarce hearing time, and pull the focus away from the child's best interests. 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?2015-HB-4481