

HOUSE BILL No. 5002

July 26, 1989, Introduced by Reps. Johnson, Munsell, Walberg, Fitzgerald, Dolan, Hillegonds, Camp, Emmons, Krause, Gilmer, Miller, Honigman, Trim, Bankes, Runco, Crandall, Webb, Hart, Gire, Kosteva, Gubow, Joe Young, Sr., Stupak, Hickner, Perry Bullard, Jondahl, Oxender, Stabenow, Berman, Knight, Nye, Bender, London, Van Regenmorter, Van Singel, DeLange, Jaye, Middaugh, Gnodtke and Strand and referred to the Committee on Judiciary.

A bill to set forth certain rights of children who have been sexually abused; and to describe certain duties of the trial courts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 sexually abused children's bill of rights".

3 Sec. 3. If a court determines in a civil or criminal pro-
4 ceeding that a parent of a child has sexually abused the child,
5 the court shall prohibit the parent from having any contact with
6 the child until the parent successfully completes a court
7 approved treatment program for sexually abusive parents and until
8 the court determines that the child is emotionally ready to have
9 contact with the parent. This section does not prohibit
10 supervised contact between the parent and child if the supervised
11 contact is part of the court approved treatment program.

1 Sec. 5. A court shall not change the custody status of a
2 child solely to punish a custodial parent for lack of cooperation
3 with the court.

4 Sec. 7. Each trial court judge in the state shall complete
5 a training program on the diagnosis and treatment of child sexual
6 abuse.

7 Sec. 9. Subject to the Michigan rules of evidence:

8 (a) In any court proceeding concerning the sexual abuse of a
9 child by 1 or both of the child's parents, evidence that the
10 parent has sexually abused another child shall be admissible.

11 (b) A court without prejudice shall consider new evidence of
12 the sexual abuse of a child even if previous allegations of
13 sexual abuse of the child were not proven.

14 (c) A court shall admit competent expert testimony that a
15 child suffers from child sexual abuse syndrome.

16 Sec. 11. If a court determines that a parent has sexually
17 abused his or her child, the court shall order the parent to pay
18 all costs and attorney fees incurred by the other parent, and
19 order that the abusive parent pay for the cost of therapy for the
20 child.