

FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 0547

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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.

The State Bar's position on this bill is to oppose it.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a regularly scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. 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:
SB 0547 (Moolenaar) Family law; child custody; child parenting plan; require in child custody disputes. Amends title and secs. 1, 2, 4 & 11 of 1970 PA 91 (MCL 722.21 et seq.) & adds sec. 5a.

Date position was adopted:
September 15, 2011

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:
20 Voted for position
0 Voted against position
0 Abstained from vote
1 Did not vote

Position:
Oppose

Explanation of the position, including any recommended amendments:
SB 547 is a parenting plan bill. It has several useful provisions. It prioritizes parental decision-making over court decision-making. The bill encourages alternative dispute resolution, and allows the court to penalize a party for not participating in ADR. It also allows parenting plans that do not designate legal or physical custody. Unfortunately, the bill has provisions that would be difficult for the court to make sense of, such as creating a parenting plan that raises the child in a manner closely approximating the rearing of the child prior to the divorce. The bill also has hortatory language that is inappropriate in a statute. The Family Law Section saw the bill as being more confusing than helpful, and did not think that it would improve matters for families or children. The Family Law Section opposes this bill.