

**Public Policy Position
SB 0941**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,556 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On June 6, 2020, the Section adopted its position after an electronic discussion and vote. 19 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 2 members did not vote.

Oppose

Explanation:

This will would limit a governor's authority to suspend parenting exchanges in the event of a state of emergency or state of disaster. while the stay at home order during the COVID-19 crisis did not suspend parenting exchanges, future emergencies or disasters may require such an order by the governor to protect the public safety and welfare. Also, the bill does not allow for judicial determination of the best interests of the children and whether there was a change in circumstances during a declared state of emergency or disaster, but rather, only allows parents to agree to such a change during a state of emergency. Where access to court is limited, as in the current COVID-19 crisis, not providing for courts to modify custody and parenting time orders, and only permitting same by agreement of the parents, could serve to deny a parent the ability to seek modification where it is in the child's best interest to do so.

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