

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

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HB 4583 & HB 4584

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee. The State Bar of Michigan has authorized the Criminal Jurisprudence & Practice Committee to advocate its position.

The State Bar of Michigan's position on this matter is to oppose.

The total membership of the Criminal Jurisprudence & Practice Committee is 14.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 14. The number who voted in favor to this position was 9. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Bill Number:

[HB 4583](#)(Johnson) Children; parental rights; immediate termination of parental rights and visitation rights for parent or legal guardian upon sentencing for criminal sexual conduct or other sex crimes; allow. Amends sec. 19b, ch. XIA of [1939 PA 288](#) (MCL 712A.19b).

[HB 4584](#)(Johnson) Family law; parenting time; immediate termination of a grandparenting time order upon sentencing for certain criminal sexual conduct; allow. Amends sec. 7b of [1970 PA 91](#) (MCL [722.27b](#)).

Date position was adopted:

May 16, 2013

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:

14

Number who voted in favor and opposed to the position:

9 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The committee voted unanimously to oppose the bills. The bills remove the issue of parental rights from the Family Court to a sentencing court. In many cases of family issues and parental rights, the Family Court judge already knows the individual family and its particular concerns.

Further, in its references to parental rights, the bills do not distinguish between the offending parent and the non-offending parent. For example, if a crime is committed by a father, with no knowledge of the mother, do both parents lose rights to the child in question?

And finally, the loss of parental rights often places the child in the adoption process. If an offending parent is incorrectly accused of a crime and acquitted, how does the parent go about reasserting his or her parental rights?

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?2013-HB-4583>

<http://legislature.mi.gov/doc.aspx?2013-HB-4584>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys**
- ✓ **The improvement of the functioning of the courts**
- The availability of legal services to society**
- The regulation of attorney trust accounts**
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.**

Keller-permissible explanation:

These bills would affect the functioning of the court because they would require courts that have little or no experience in family law matters to carry out rulings. The bills also remove judicial discretion.