

## Report on Public Policy Position

**Name of Committee:**

Domestic Violence Committee

**Contact Person:**

Rebecca Shiemke

**E-mail:**

rshiemke@umich.edu

**Bill Number:**

[HB 5598](#) (Sak) Family law; marriage and divorce; placement of pets by court in an annulment, divorce, or separate maintenance action; provide for. Amends 1846 RS 84 (MCL [552.1](#) - [552.45](#)) by adding sec. 22a.

**Date position was adopted:**

February 7, 2008

**Process used to take the ideological position:**

Position adopted after an electronic discussion and vote.

**Number of members in the decision-making body:**

18

**Number who voted in favor and opposed to the position:**

10 Voted for position

0 Voted against position

1 Abstained from vote

7 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

This bill requires parties to a divorce to identify pets in the complaint; permits a party to request pet placement; prohibits the court from placing a pet with a person "who has been subject to" a PPO; and if no agreement between the parties requires the court to place the pet with 1 party or in a shelter.

The committee opposes this bill as being too broad in its scope regarding pet placement and PPOs. "Subject to" a PPO could apply to both respondents and petitioners to a PPO. The bill does apply to a PPO entered against either party by any person at any time. Further, in some cases the real domestic violence victim becomes subject to a PPO and this bill would provide another tool to the abusive party by permitting that party to gain possession of the family pet. While the Committee supports the bill's link between pet abuse and domestic violence, we believe

the language of this bill could potentially result in pet placement with an abusive party rather than the abused party. Parenthetically, the committee noted that children can be placed with PPO respondents. Finally, the bill fails to define pets and does not differentiate between animals that are pets and those that are financial assets to the parties.

**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?2007-HB-5598>

**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:**

This bill would limit a judge's discretion to address domestic violence and potential pet abuse in a divorce case.