

PENDING LEGISLATION

Guy L. Sweet

Assistant Prosecuting Attorney

Ingham County

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Subject Bill No. History	Summary	Commentary
Adoption – Step Parent SB 458 Introduced 09-09-2015 Passed in Senate 10-01-2015	A step parent may petition to adopt his or her spouse’s child if his or her spouse has “custody of the child according to court order” instead of sole legal custody. “A child support order stating that support is \$0.00 or that support is reserved shall be treated in the same manner as if no support order had been entered.”	These proposed amendments to the Adoption Code would essentially overrule <i>In Re AJR</i> , 496 Mich 346 (2014).

<p>Appropriations – OCS – FY Ending 09-30-2017 HB 5294 Introduced 02-02-2016 Passed in House 04-27-2016</p>	<p>\$ 22,151,300 – OCS staff \$113,359,100 – Legal support contracts \$ 24,409,600 – Incentive payments \$ 8,101,700 – MiSDU <u>\$ 41,877,600 – Automation</u> \$209,899,300 - Total</p>	
<p>Children – Age HB 4192 Introduced 02-12-2015</p>	<p>“In computing the age of an individual, the applicable period is computed from the first minute of the day on which the individual is born. For example, in computing the age of an individual in years, the individual becomes 1 year older on the first minute of the anniversary date of the individual’s birth.”</p>	<p>This will clarify emancipation dates.</p>
<p>Civil Procedure – Costs and Fees SB 189 Introduced 03-05-2015 HB 4379 Introduced 03-24-2015</p>	<p>If a civil action is brought by a state department or agency as the named plaintiff and the state department or agency loses the lawsuit, the state department or agency would be required to pay the defendant’s costs and attorney fees.</p>	<p>This proposed statute would apply to “agency cases”.</p>

	This rule would govern cases in which the state department or agency files an “ex rel” action on behalf of an individual if the state department or agency “had discretion to proceed”.	
Civil Procedure – Mediation HB 4476 Introduced 04-21-2015 Passed House 10-15-2015 Passed Senate 04-14-2016	Mediation of a domestic relations case, including a paternity or child support case, would not be allowed if: there is a personal protection order or no-contact order between the parties; one of the parties has engaged in domestic violence, stalking, child abuse or child neglect; or one of the parties is unable to negotiate for himself or herself.	
Civil Procedure – Service of Process HB 4786 Introduced 07-15-2015	“An individual who is in charge of a business establishment shall grant entry into the establishment, or otherwise make the employees, agents, or invitees of the establishment available, to a process server when the process server is at the establishment for the purpose of serving process on a defendant or witness who is known to be in the	

	<p>establishment.”</p> <p>A similar duty would apply to an individual who has authority to determine who may enter a gated community.</p> <p>A violation would constitute a misdemeanor.</p>	
<p>Civil Procedure – Service of Process HB 4924 Introduced 09-29-2015</p>	<p>This bill would increase the fee for personal service of a summons and complaint from \$23.00 to \$25.00.</p>	
<p>Civil Rights – Access to Services HB 4891 Introduced 09-22-2015</p>	<p>This bill would adopt the Equal Language Access to State Services Act. A state department, agency or entity would be required to provide oral interpreter services, at no cost, to translate all “vital documents” into foreign languages.</p>	<p>16 co-sponsors</p>
<p>Constitution – Balanced Budget Amendment HR BB Introduced 08-20-2015</p>	<p>This resolution calls for a convention for the purpose of “proposing amendments to the constitution of the United states that impose fiscal restraints on the</p>	<p>This could affect funding for federal programs, including Title IV-D services.</p>

	<p>federal government, limit the powers and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress.”</p>	
<p>Crimes – Lewd and lascivious Cohabitation</p> <p>HB 5511 Introduced 03-23-2016</p> <p>SB 896 Introduced 04-19-2016</p>	<p>This bill would repeal the portion of MCL 750.335 that prohibits an unmarried man and woman from living together and having sexual relations with each other.</p>	
<p>Crimes – Data Tampering</p> <p>HB 5588 Introduced 04-21-2016</p>	<p>“A public employee or officer shall not directly, or indirectly by instructions to another person, intentionally alter, conceal, destroy, or otherwise tamper with data used in preparing an official report for the purpose of falsifying or misrepresenting the data or misleading a person relying on the report.”</p> <p>A violation constitutes a felony.</p>	

<p>Custody – Best Interest Factors</p> <p>HB 4480 Introduced 04-21-2015 Passed in House 10-22-2015 Amended by Senate 04-14-2016 Passed in House 04-14-2016</p>	<p>The tenth “best interest” factor is “[t]he willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent. . . .” This bill would add the following language: “A court shall not consider negatively for the purposes of this factor any reasonable action taken by a parent to protect a child or that parent from sexual assault or domestic violence by the child’s other parent.”</p>	
<p>Custody – Change in Residence</p> <p>HB 4845 Introduced 08-20-2015</p>	<p>The “100 mile rule” would be replaced by a requirement that a child’s residence shall not be changed to a location that is more than 50 miles from the current residence as measured by a vehicle odometer.</p>	<p>Michigan Court Rule 3.211(C) requires that “every judgment or order awarding custody of a minor” must incorporate the change-of-residency rules.</p>
<p>Custody – Joint – Child Care</p> <p>HB 4132 Introduced 02-03-2015</p>	<p>If the court awards joint custody it can also grant the parents “right of first refusal regarding child care that</p>	

	becomes necessary while the child is in the custody of the other parent.	
Custody – Joint – Mandatory HB 4141 Introduced 02-05-2015	<p>“In a custody or parenting time dispute between parents, the court shall order joint custody unless the court determines by clear and convincing evidence that a parent is unfit, unwilling or unable to care for the child. A parent may only to be determined to be unfit under this section if the parent’s parental rights are subject to termination under [the Juvenile Code].”</p> <p>“If the court awards joint custody, the court shall issue a specific parenting time schedule for each parent and shall provide that physical custody is shared by the parents for specific and substantially equal amounts of time.”</p>	21 co-sponsors.
Custody – Power of Attorney SB 926 Introduced 04-28-2016	This bill would prohibit a parent from executing a power of attorney to permanently transfer custody of his or her child.	This bill is part of an adoption reform package.

<p>Employment – Birth or Adoption Leave Act HB 4024 Introduced 01-15-2015</p>	<p>Employers would be required to give employees four consecutive weeks of time off to care for a newborn infant or newly adopted child.</p>	
<p>Employment – Employment Application Fairness Act HB 4208 Introduced 02-17-2015</p>	<p>This Act would prohibit employers from using a job application that asks whether the applicant has been convicted of a felony. But it would not preclude a subsequent criminal record check.</p>	
<p>Employment – Wages – Minimum SB 373 Introduced 06-04-2015</p>	<p>The minimum wage for tipped employees would be tied to the general minimum wage. It would be initially set at 38% and gradually increase to 80% by 01-01-2017.</p>	
<p>Employment – Wages – Minimum SB 391 Introduced 06-10-2015</p>	<p>This bill would gradually increase the minimum wage to \$15.00 per hour by 01-01-2018.</p>	
<p>Parentage – Surrogate SB 911 Introduced 02-23-2016</p>	<p>This bill would replace the Surrogate Parentage Act with the Gestational Surrogate Parentage Act. It would create a presumption that surrogate mothers “will relinquish their parental or</p>	

	custodial rights to the child.” The Act would also govern custody disputes.	
Parental Rights – Termination SB 484 Introduced 09-10-2015	A court would have discretion to reinstate terminated parental rights if “adoption or guardianship is no longer the child’s permanency plan. . .” The DHHS, the Michigan Children’s Institute, and the child’s attorney would have standing to file a reinstatement petition.	
Paternity – Responsible father Registry HB 4028 Introduced 01-15-2015	DHHS would be required to create and maintain a Responsible father Registry. An alleged father would be allowed to register no later than five days after the child is born. Registration would entitle him to receive notice regarding proceedings to place the child for adoption or to terminate parental rights. Registration does not initiate a paternity proceeding. But a Title IV-D agency would have access to the Registry, and information could be used to establish paternity.	This Registry would be a helpful resource to identify and locate alleged fathers.

<p>Paternity – Revocation SB 858 Introduced 03-17-2016</p>	<p>A mother would have standing to request revocation of lawfully established paternity if the child was conceived as a result of criminal sexual conduct.</p>	
<p>Public Assistance – Benefits HB 4305, HB 4306 Introduced 03-05-2015</p>	<p>The Bureau of Vital Records would be required to submit a monthly list of all reported deaths to the IV-A Program. The IV-A Program would be required to close the decedents’ public assistance cases immediately.</p>	
<p>Public Assistance – Benefits SB 825 Introduced 03-01-2016</p>	<p>“A food assistance or cash assistance recipient shall not use his or her electronic benefit transfer card to purchase uncooked seafood, meat, or poultry if that uncooked seafood, meat, or poultry is to be cooked on the premises where purchased.”</p>	
<p>Public Assistance – Benefits HB 5451 Introduced 03-10-2016</p>	<p>A grantee’s photograph would appear on his or her Bridge Card. “A Bridge Card shall not be used to access cash from an automated teller machine or point of sale device.”</p>	

	A Bridge Card could be used for five specific purposes, e.g., rent, utilities, groceries.	
Public Assistance – Eligibility SJR H Introduced 02-12-2015	“A person who is an illegal alien in this country is prohibited from receiving any type of public assistance from this state.”	
State Government – Accessibility HB 4814 Introduced 08-18-2015 Passed in House: 04-26-2016	This bill creates standards for the Michigan.gov web site, including “methods that are intuitive for searching, navigating, and accessing information.”	This bill would govern content of the OCS portion of the DHHS web site.