

June 5, 2017

Re: HB 4691

Members of the House Judiciary Committee,

The National Association of Social Workers - Michigan Chapter has serious concerns about the effect that HB 4691, the proposed Michigan Shared Parenting Act, would have on Michigan families. While joint custody can be a favorable option for families who desire this arrangement, imposing a one-size-fits-all solution is very dangerous.

A willingness and commitment on behalf of both parents to cooperate, communicate, and respectfully co-parent is necessary for joint custody to be successful and beneficial for children. Such factors are not present in every family situation. Even in situations where the parents are both interested in joint custody, the needs of the child or children and logistics of each family's living situation must be considered.

Further, when active substance abuse, untreated mental health issues and/or domestic violence exists, joint custody should be prohibited unless and until the court has evidence that the parent with such issues has made meaningful change to ensure the safety of the child(ren). A parent who believes that joint custody will cause harm should not face the undue burden of a presumption as they go to court to state their concerns. Nor should they have to prove the other parent "unfit" in order to advocate for what they believe is in the best interest of their child(ren). Two states, Oregon and California, have repealed their mandatory joint custody laws because of the resultant unintended consequences, including increased animosity and litigation.

NASW-MI fully supports both parents being active in their child's or children's lives when both parents are capable of fulfilling their responsibilities. However, it is important to note that joint custody is not the only way to ensure that both parents are able to maintain significant meaningful roles in cases of divorce or other family structure changes.

To serve the best interests of Michigan's children and families, we advocate that in moving forward with any custody law reform, the provisions in current law allowing a non-presumptive starting point, coupled with customizable approaches to address the unique circumstances and needs of each family be preserved. Additionally, we advocate for public policy that would lead to increased training opportunities for judges and Friend of the Court staff to better understand the effects of domestic violence, substance abuse, and mental illness on families.

Sincerely,

*Erica Schmitt diel*  
Legislative and Social Policy Committee  
NASW-Michigan