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MEMORANDUM

MICHIGAN HOUSE OF REPRESENTATIVES

**JIM RUNESTAD**  
STATE REPRESENTATIVE



To: Senate Judiciary Committee Chair, Senator Rick Jones  
And members of the Senate Judiciary Committee  
From: Representative Jim Runestad  
Re: House Bill 4480  
Date: December 8, 2015

As a member of the House Judiciary Committee, please accept this communication to the Senate Judiciary Committee regarding my opposition to House Bill 4480.

House Bill 4480 significantly alters the best interest factors in place for child custody disputes by inserting an exemption for a parent who willfully withholds a child from visitation with the other parent if the parent in physical custody of the child claims domestic violence.

Domestic violence comes in many forms and has been clearly defined through case law to include both emotional and physical violence which may be present between spouses and not directly pertaining to the relationship of one parent or the other with a child. Domestic violence is present in many households who work together to come to resolutions and has become more prevalent in homes with Veterans suffering from the effects of PTSD. Our family law judges, both under circuit and probate court, understand that each case is different and support the delicate balance of child custody best interest factors currently in place.

The factor that considers a parent's willingness to facilitate the child's relationship with both parents is our primary defense to protect children from the trauma of separation and divorce. We should not seek to limit our judges' discretion by applying an undocumented and unjudicated claim of domestic violence as an exemption. This only serves to tie our judges' hands and in many cases could actually serve to persuade a judge to place a child with an abuser who makes false claim on the other parent and takes the children, depriving contact with the other parent prior to a court hearing and creating irreparable trauma for a child.

Difficult decisions are made by our family law judges each and every day and we need to trust their judgement before making significant altering changes to our child best interest factors. Please do not hesitate to contact me as you work through the delicate balance of this legislation.

Regards,

Jim Runestad  
State Representative  
District 44