

BAN CHILD ABUSER FROM HOME

House Bill 4810

Sponsor: Rep. Shirley Johnson

House Bill 4812

Sponsor: Rep. James McNutt

Committee: Judiciary

Complete to 5-21-92

A SUMMARY OF HOUSE BILLS 4810 AND 4812 AS INTRODUCED 5-13-91

House Bill 4810 would amend the juvenile code (MCL 712A.13a) to provide that if the probate court found probable cause that a parent or other person had abused a child, the court could order that parent or other person to leave the home and not return except as allowed by the court. In issuing that order, the court would release the child to the other parent, a guardian, or a custodian. The court could not order the alleged abuser to leave the home unless it determined that the person presented a substantial risk of harm to the child, that no other arrangement could adequately protect the child, that the alternative custody arrangement would adequately protect the child, and that it would be in the child's best interest to remain in the home.

The court could order the alleged abuser to pay appropriate support while banned from the home, and could include any reasonable term or condition necessary for the child's well-being.

House Bill 4812 would amend the Code of Criminal Procedure (MCL 764.15e) to authorize the warrantless arrest of someone who violated an order under House Bill 4810. A peace officer could make the arrest upon reasonable cause to believe all of the following: that the person had been ordered to leave the home for a stated period of time by the probate court; that a true copy of the order and proof of service had been filed with the local law enforcement agency; that the person named in the order had been notified of it; that the person was violating the order; and, that the order stated that violation of it would subject the person to criminal contempt of court which would be punished by up to 90 days in jail and could be punished by a fine of up to \$500.

Someone arrested under the bill would have to be brought before the probate court on contempt charges within 24 hours after the arrest. The court would set a hearing date and set a reasonable bond pending the hearing. The court also would notify the person who had custody of the child being protected. If a probate judge was not available, the arrested person would be taken before the district court.

The bill also would require that a law enforcement agency enter information on orders issued under House Bill 4810 into the Law Enforcement Information Network (LEIN).

The bill could not take effect unless House Bill 4810 was enacted.