



**House  
Legislative  
Analysis  
Section**

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**BAN CHILD ABUSER FROM HOME**

House Bill 4205

Sponsor: Rep. James McNutt

House Bill 4206

Sponsor: Rep. Shirley Johnson

Committee: Judiciary

Complete to 4-15-93

**A SUMMARY OF HOUSE BILLS 4205 AND 4206 AS INTRODUCED 2-10-93**

House Bill 4206 would amend the juvenile code (MCL 712A.13a) to provide that if a juvenile petition was authorized and 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 would adequately protect the child without removing the child from the home, that the proposed 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 4205 would amend the Code of Criminal Procedure (MCL 764.15e) to authorize the warrantless arrest of someone who violated an order under House Bill 4206. 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.

A peace officer who made an arrest under the bill would have to prepare a complaint as prescribed by the bill and provide copies to the person arrested, the court that issued the order, and any attorney of record in the case.

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, which would have to be held within 72 hours after the arrest. The court also would notify the person who had custody of the child

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being protected, and require that person to appear and give evidence at the hearing. 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 4206 into the Law Enforcement Information Network (LEIN). When such an order was rescinded, the court immediately would order the law enforcement agency to remove the LEIN entry.

The bill could not take effect unless House Bill 4206 was enacted.