



Anderson House Office Building  
124 N. Capitol Avenue  
Lansing, MI 48933

*Combined Opposition to House Bills 5211–5213 (Presumptive Joint Custody)*

Dear Distinguished Representatives:

On behalf of the Michigan Coalition to End Domestic & Sexual Violence (MCEDSV) and the Michigan Poverty Law Program (MPLP), we respectfully submit this letter in opposition to House Bills 5211 through 5213, which would establish a presumption of joint custody in child custody proceedings.

While these bills are intended to promote parental involvement, they would undermine Michigan's child-centered legal framework, create serious safety risks for survivors of domestic violence, and impose significant burdens on low-income families.

**I. Presumptive Joint Custody Is Not Supported by Research and Undermines Children's Best Interests**

Extensive research<sup>1</sup> demonstrates that joint custody arrangements are most beneficial when they are voluntarily agreed upon and supported by cooperative parental relationships. Critically, there is no research establishing that children benefit when 50/50 physical custody is mandated by courts, and some evidence shows that imposing such a schedule can produce negative outcomes.

Research frequently cited in support of presumptive joint custody fails to distinguish between voluntary and imposed arrangements, despite clear evidence that families who choose joint custody differ significantly from those who do not. Studies often fail to define joint custody in a consistent manner, which can vary from minimal shared physical custody to full 50/50 custody.

Studies show that while cooperation can benefit children, parental conflict has a particularly harmful impact in joint custody arrangements - especially where that arrangement has been imposed. As one review concluded, the potential benefits of joint custody "may be lost" and costs increased when imposed on unwilling or unprepared parents.<sup>2</sup>

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<sup>1</sup> Unless otherwise noted, research referenced throughout this letter was provided to legislators before the April 29, 2026, hearing on HB 5211-13.

<sup>2</sup> Pruett, M. K., & Barker, C. (2009). [From previously submitted research]

A one-size-fits-all presumption is incompatible with the individualized care and determinations required to serve children's best interests.

## **II. Presumptive Joint Custody Places Survivors of Domestic Violence at Risk**

The presumption of joint custody is particularly dangerous in cases involving domestic violence. Abuse is rooted in power and control, and joint custody arrangements can provide perpetrators with ongoing opportunities to exert that control through parenting decisions and required contact.

Survivors already face substantial barriers in custody proceedings, including limited access to evidence, abbreviated hearings, and the difficulty of proving patterns of abuse. Research further demonstrates that custody proceedings can disadvantage survivors who raise legitimate concerns about abuse.<sup>3</sup> A comprehensive, federally funded study of thousands of U.S. custody cases found that mothers who allege abuse are at increased risk of losing custody, particularly in cases involving allegations of child abuse. The study also found that when an abusive parent counters with claims such as "parental alienation," the likelihood that a mother will lose custody nearly doubles, even in some cases where courts acknowledge abuse occurred. These findings indicate that survivors who attempt to protect their children by raising safety concerns may be penalized in custody determinations. Establishing a presumption of joint physical custody would exacerbate this dynamic by further elevating abusive parents' claims to equal custody, increasing the risk that children will be placed in unsafe environments and that survivors will be deterred from disclosing abuse.

## **III. Presumptive Joint Custody Disproportionately Harms Low-Income Families**

Joint custody arrangements require economic stability, flexible work schedules, and access to resources that many families do not possess. Research indicates that these arrangements can impose disproportionate burdens on economically marginalized families.

Many custody cases in Michigan arise in the context of public benefits enforcement, meaning low-income parents seek food assistance or Medicaid and state prosecutors initiate a case against the uninvolved parent to seek child support. The primary parent is then drawn into litigation they did not initiate and often did not understand. A presumption of joint custody would increase litigation costs and

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<sup>3</sup> Meier, Joan. Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014. Inter-university Consortium for Political and Social Research [distributor], 2021-03-30. <https://doi.org/10.3886/ICPSR37331.v3>



complexity, forcing parents with limited means to expend resources to rebut an arrangement that may not serve their children.

Additionally, joint custody frequently reduces child support obligations while increasing household expenses, resulting in fewer resources available to meet children's needs.

#### **IV. Michigan's Existing Law Already Supports Shared Parenting Where Appropriate**

Michigan law already provides robust mechanisms for considering and awarding joint custody where it is safe and appropriate. Courts must inform parents about joint custody, consider it upon request, and place their reasoning on the record

Importantly, courts must also determine that parents are able to cooperate before awarding joint custody - a safeguard that protects children from high-conflict and unsafe situations. This framework aligns with research and best practices and should not be replaced by a strict legal presumption.

In conclusion, House Bills 5211 through 5213 would replace Michigan's evidence-based, child-centered custody framework with a rigid presumption that fails to account for family dynamics, safety concerns, and economic realities. The research is clear: joint custody should not be presumed, but rather carefully tailored to the unique circumstances of each family.

**For these reasons, MCEDSV and MPLP respectfully urge the Committee to oppose House Bills 5211 through 5213.**

Respectfully submitted,

*Heath B. Lowry*  
Policy Attorney, MCEDSV

*Stephanie G. Saad*  
Family Law Attorney, MPLP

*Johanna Kononen*  
Associate Director, MCEDSV