

'Baby Jessica' bill passes in Senate

A routine revision of Michigan's Child Custody Act turned into a donnybrook debate when the state Senate amended it to cover the emotional baby Jessica case.

"We cannot allow young Jessica or children like her to have their lives turned upside down by dueling adults," said Sen. Michael Bouchard, R-Birmingham, sponsor of the bill.

His Senate Bill 191 was amended in committee during the Easter break to give legal standing (the right to file a lawsuit) to prospective adoptive parents who have had custody of the child at least six of the previous nine months. If approved by the House, the bill would give Jan and Roberta DeBoer of Ann Arbor the right to sue in Michigan to retain custody of the Iowa-born baby they have

raised for the last two years. The DeBoers have lost all their battles in the Iowa courts. They also lost in the Michigan Court of Appeals, which said simply that Michigan courts don't have jurisdiction.

The baby's mother, Cara Schmidt, changed her mind days after the child's birth. Jessica's father also said he had never legally signed away his rights. The legal battle has raged most of the child's two years.

The Senate gave the bill 31 to 4 approval. Voting yea were Bouchard, Mat Dunaskies, R-Lake Orion, David Honigman, R-West Bloomfield, and George Z. Hart, D-DeARBORN.

Voting no was Jack Faxon, D-Farmington Hills, William Faust, D-Westland, and Robert Ceake,

R-Northville, had excused absences.

In a loud dissent, Sen. Virgil Smith, D-Detroit, accused colleagues of "trashing" the 1970 Uniform Child Custody Jurisdictional Act adopted by all 50 states.

"Michigan should honor the court decisions that have been issued in the state of Iowa," Iowa courts have made determinations based on the facts in this matter...

"That's where the child was born. That's where the birth mother lived. Even the DeBoers recognized that by fighting through the Iowa courts all the way to the (Iowa) Supreme Court," said Smith, accusing the DeBoers of going judge shopping in Washtenaw Circuit Court.

Sen. Vern Ehlers, R-Grand Rapids, said Smith had it wrong. "Our current law gives no standing to court to the prospective adoptive parent. That is all this bill is designed to correct," he said.

Bouchard said the original intent of the bill was to prohibit rapists from seeking visitation or custody rights of children who are the result of rape.

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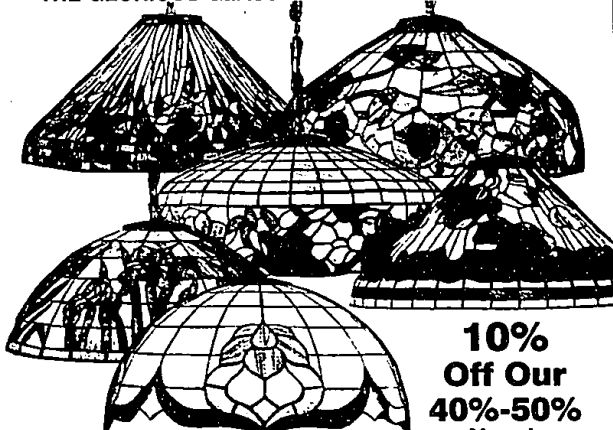
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