



Michigan Breastfeeding Network

# MIBFN POSITION PAPER:

## MIBFN POSITION PAPER: IN SUPPORT OF THE BREASTFEEDING RELATIONSHIP IN CHILD CUSTODY DECISIONS

### Overview

In Michigan, parents are encouraged to reach their own agreements regarding custody arrangements. When parents cannot agree, the judge must decide custody by considering all of the best interest factors of the Michigan Child Custody Act (Child Custody Act, MCL 722.23). This includes “whether the child is a nursing child less than six months of age, or less than one year of age if the child receives substantial nutrition through nursing” (Act 91 of 1970, 722.27a Parenting time). Despite these guidelines, the law does not make recommendations for how the judge should rule and decisions regarding child custody often pit the mother versus the father. However, child custody rulings need not be decided in such a way. The health and developmental needs of the child should be at the center of every child custody decision and breastfeeding-supportive, evidence-based rulings must become the norm.

### Policy Recommendations

Child custody rulings should comply with best practices that follow the World Health Organization (WHO) guidelines that recommend breastfeeding until at least two years of age with continuation of breastfeeding as long as mutually desired by mother and child.

In support of the breastfeeding relationship in child custody decisions, the Michigan Breastfeeding Network (MIBFN) advocates for the following:

- **Evidence-based breastfeeding information and resources for distribution to families through Friend of the Court (FOC).**
- **Comprehensive breastfeeding education for judges and court employees and staff.**
- **Child custody laws that protect the breastfeeding relationship for at least the first two years of life and extend beyond as long as breastfeeding is maintained.**
- **National, tiered child custody law that takes into account child development and age.**

### Vision for the Future

MIBFN envisions a judicial system that recognizes breastfeeding and human milk as the optimal method of feeding for infants and children, works to preserve breastfeeding in all child custody orders, and supports normalization efforts at the systemic level, ensuring that all families in Michigan reap the benefits of breastfeeding.