

**FROM THE COMMITTEE ON  
MODEL CIVIL JURY INSTRUCTIONS**

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The Committee has adopted the following new model civil jury instruction effective January 23, 2020.

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**ADOPTED**

**M Civ JI 97.43A Legitimate Practice of Religious Beliefs**

If you find that \_\_\_\_\_ [ was / were] legitimately practicing [ his / her / their ] religious beliefs when [ he / she / they ] did not provide specified medical treatment for \_\_\_\_\_, [ he / she / they ] shall not, for that reason alone, be considered a negligent parent or guardian.

Note on Use

This instruction should be given if the instruction is requested by a respondent parent and if a rational view of the evidence supports the conclusion that the failure to provide medical treatment was based on the respondent's legitimate practice of his or her religious beliefs. *In re Piland*, 503 Mich 1032 (2019).

Comment

MCL 722.634. *In re Piland*, 324 Mich App 337 (2018). The Supreme Court affirmed the holding of the Court of Appeals that MCL 722.634 applies to child protective proceedings. 503 Mich 1032 (2019).

History

Adopted January 2020.

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The Michigan Supreme Court has delegated to the Committee on Model Civil Jury Instructions the authority to propose and adopt Model Civil Jury Instructions. MCR 2.512(D). In drafting Model Civil Jury Instructions, it is not the committee's function to create new law or anticipate rulings of the Michigan Supreme Court or Court of Appeals on substantive law. The committee's responsibility is to produce instructions that are supported by existing law.

The members of the Committee on Model Civil Jury Instructions are:

**Chair:** Hon. Mark T. Boonstra

**Reporter:** Timothy J. Raubinger

**Members:** Benjamin J. Aloia; Matthew Aneese; Robert L. Avers; Hilary A. Ballentine; Hon. Annette Jurkiewicz-Berry; Hon. Kathleen A. Feeney; William B. Forrest, III; Hon. Michael F. Gadola; Donald J. Gasiorek; James F. Hewson; Hon. Michael L. Jaconette; Amy M. Johnston; Hon. Amy Ronayne Krause; Hon. Charles T. LaSata; C. Thomas Ludden; Daniel J. Schulte; Judith A. Susskind; Emily Thomas; Thomas Van Dusen; Thomas W. Waun.