

Act No. 315
Public Acts of 1990
Approved by the Governor
December 19, 1990
Filed with the Secretary of State
December 20, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Ciaramitaro, Gubow, Stabenow, Berman, Kosteva, Trim and Fitzgerald

ENROLLED HOUSE BILL No. 6019

AN ACT to amend section 6 of Act No. 91 of the Public Acts of 1970, entitled as amended "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support and visitation in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," being section 722.26 of the Michigan Compiled Laws; and to add section 6b.

The People of the State of Michigan enact:

Section 1. Section 6 of Act No. 91 of the Public Acts of 1970, being section 722.26 of the Michigan Compiled Laws, is amended and section 6b is added to read as follows:

Sec. 6. The provisions of this act, being equitable in nature, shall be liberally construed and applied to establish promptly the rights of the child and the rights and duties of the parties involved. This act shall apply to all circuit court child custody disputes and actions, whether original or incidental to other actions. Such disputes and actions shall have precedence for hearing and assignment for trial over other civil actions. Except as otherwise provided in section 6b, if the circuit court of this state does not have prior continuing jurisdiction over the custody of a child, the action shall be submitted to the circuit court of the county where the child resides or may be found by complaint or complaint and motion for order to show cause. An application for a writ of habeas corpus or for a warrant in its place to obtain custody of a child shall not be granted unless it appears that this act is inadequate and ineffective to resolve the particular child custody dispute.

Sec. 6b. (1) Except as otherwise provided in subsection (2), a guardian or limited guardian of a child has standing to bring an action for custody of the child pursuant to this act.

(2) A limited guardian of a child does not have standing to bring an action for custody of the child if the parent or parents of the child have substantially complied with a limited guardianship placement plan regarding the child entered into pursuant to section 424a of the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.424a of the Michigan Compiled Laws.

(3) If the circuit court does not have prior continuing jurisdiction over the custody of a child, a child custody action brought by a guardian or limited guardian of the child shall be filed in the circuit court in the county in which the probate court appointed the guardian.

(4) Upon the filing of a child custody action brought by a guardian or limited guardian of the child, all guardianship proceedings concerning that child in the probate court shall be stayed until disposition of the child custody action. An order of the probate court concerning the guardianship of the child shall continue in force until superseded by an order of the circuit court. If the circuit court awards custody of the child, it shall send a copy of the judgment or order of disposition to the probate court in the county that appointed the guardian or limited guardian for the child.

(5) If a guardian or limited guardian of a child brings a child custody action, the circuit court may request the supreme court pursuant to section 225 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.225 of the Michigan Compiled Laws, to assign the judge of the probate court who appointed that guardian or limited guardian to serve as a judge of the circuit court and hear the child custody action.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) Senate Bill No. 1039.

(b) House Bill No. 6018.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.