

# HOUSE BILL No. 4822

June 17, 1999, Introduced by Reps. Toy and Hart and referred to the Committee on Family and Children Services.

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7 (MCL 722.22 and 722.27), as amended by 1998 PA 482.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. As used in this act:

2       (a) "Agency" means ~~any~~ A legally authorized public or pri-  
3 vate organization, or governmental unit or official, whether of  
4 this state or of another state or country, concerned in the wel-  
5 fare of minor children, including a licensed child placement  
6 agency.

7       (b) "Attorney" means, if appointed to represent a child  
8 under this act, an attorney serving as the child's legal advocate  
9 in a traditional attorney-client relationship with the child, as  
10 governed by the Michigan rules of professional conduct. An

1 attorney defined under this subdivision owes the same duties of  
2 undivided loyalty, confidentiality, and zealous representation of  
3 the child's expressed wishes as the attorney would to an adult  
4 client.

5 (c) "Child" means minor child and children. Subject to  
6 section 4a, for purposes of providing support, child includes a  
7 child and children who have reached 18 years of age.

8 (d) "Guardian ad litem" means an individual whom the court  
9 appoints to assist the court in determining the child's best  
10 interests. A guardian ad litem does not need to be an attorney.

11 (e) "Lawyer-guardian ad litem" means an attorney appointed  
12 under section 4. A lawyer-guardian ad litem represents the  
13 child, and has the powers and duties, as set forth in section 4.

14 (F) "STATE DISBURSEMENT UNIT" OR "SDU" MEANS THE ENTITY  
15 ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD SUPPORT ACT, 1971  
16 PA 174, MCL 400.236.

17 (G) ~~(f)~~ "Third person" means any individual other than a  
18 parent.

19 Sec. 7. (1) If a child custody dispute has been submitted  
20 to the circuit court as an original action under this act or has  
21 arisen incidentally from another action in the circuit court or  
22 an order or judgment of the circuit court, for the best interests  
23 of the child the court may do 1 or more of the following:

24 (a) Award the custody of the child to 1 or more of the par-  
25 ties involved or to others and provide for payment of support for  
26 the child, until the child reaches 18 years of age. Subject to  
27 section 4a, the court may also order support as provided in this

1 section for a child after he or she reaches 18 years of age. The  
2 court may require that support payments shall be made through the  
3 friend of the court, ~~or~~ court clerk, OR STATE DISBURSEMENT  
4 UNIT.

5 (b) Provide for reasonable parenting time of the child by  
6 the parties involved, by the maternal or paternal grandparents,  
7 or by others, by general or specific terms and conditions.  
8 Parenting time of the child by the parents is governed by  
9 section 7a.

10 (c) Modify or amend its previous judgments or orders for  
11 proper cause shown or because of change of circumstances until  
12 the child reaches 18 years of age and, subject to section 4a,  
13 until the child reaches 19 years and 6 months of age. The court  
14 shall not modify or amend its previous judgments or orders or  
15 issue a new order so as to change the established custodial envi-  
16 ronment of a child unless there is presented clear and convincing  
17 evidence that it is in the best interest of the child. The cus-  
18 todial environment of a child is established if over an apprecia-  
19 ble time the child naturally looks to the custodian in that envi-  
20 ronment for guidance, discipline, the necessities of life, and  
21 parental comfort. The age of the child, the physical environ-  
22 ment, and the inclination of the custodian and the child as to  
23 permanency of the relationship shall also be considered.

24 (d) Utilize a guardian ad litem or the community resources  
25 in behavioral sciences and other professions in the investigation  
26 and study of custody disputes and consider their recommendations  
27 for the resolution of the disputes.

1 (e) Take any other action considered to be necessary in a  
2 particular child custody dispute.

3 (f) Upon petition consider the reasonable grandparenting  
4 time of maternal or paternal grandparents as provided in section  
5 7b and, if denied, make a record of ~~such~~ THE denial.

6 (2) Except as otherwise provided in this section, the court  
7 shall order support in an amount determined by application of the  
8 child support formula developed by the state friend of the court  
9 bureau. The court may enter an order that deviates from the for-  
10 mula if the court determines from the facts of the case that  
11 application of the child support formula would be unjust or inap-  
12 propriate and sets forth in writing or on the record all of the  
13 following:

14 (a) The support amount determined by application of the  
15 child support formula.

16 (b) How the support order deviates from the child support  
17 formula.

18 (c) The value of property or other support awarded in lieu  
19 of the payment of child support, if applicable.

20 (d) The reasons why application of the child support formula  
21 would be unjust or inappropriate in the case.

22 (3) Subsection (2) does not prohibit the court from entering  
23 a support order that is agreed to by the parties and that devi-  
24 ates from the child support formula, if the requirements of sub-  
25 section (2) are met.

26 (4) Beginning January 1, 1991, each support order entered,  
27 modified, or amended by the court shall provide that each party

1 shall keep the office of the friend of the court informed of both  
2 of the following:

3 (a) The name and address of his or her current source of  
4 income. As used in this subdivision, "source of income" means  
5 that term as defined in section 2 of the support and parenting  
6 time enforcement act, 1982 PA 295, MCL 552.602.

7 (b) Any health care coverage that is available to him or her  
8 as a benefit of employment or that is maintained by him or her;  
9 the name of the insurance company, health care organization, or  
10 health maintenance organization; the policy, certificate, or con-  
11 tract number; and the names and birth dates of the persons for  
12 whose benefit he or she maintains health care coverage under the  
13 policy, certificate, or contract.

14 (5) For the purposes of this act, "support" may include pay-  
15 ment of the expenses of medical, dental, and other health care,  
16 child care expenses, and educational expenses. The court shall  
17 require 1 or both parents of a child who is the subject of a  
18 petition under this section to obtain or maintain any health care  
19 coverage that is available to them at a reasonable cost, as a  
20 benefit of employment, for the benefit of the child. If a parent  
21 is self-employed and maintains health care coverage, the court  
22 shall require the parent to obtain or maintain dependent coverage  
23 for the benefit of the child, if available at a reasonable cost.

24 (6) A judgment or order entered under this act providing for  
25 the support of a child is enforceable as provided in the support  
26 and parenting time enforcement act, 1982 PA 295, MCL 552.601 to  
27 552.650.

1 Enacting section 1. This amendatory act does not take  
2 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
3 (request no. 03398'99) of the 90th Legislature is enacted into  
4 law.