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Senate Bill 9 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

### **CONTENT**

The bill would amend the Child Custody Act to do the following, if a motion for change of custody or change of parenting time were filed during the time a parent was on deployment:

- Allow a parent to file an application for a stay of the proceedings, and require the court to entertain the application; and allow a parent to apply for an extension of a stay.
- Prohibit the court from modifying a previous judgment or order, or issuing a new order, that changed the child's placement or the parenting time that existed when the parent was called to deployment.
- Allow the court to enter a temporary custody or parenting time order if there were clear and convincing evidence that it was in the best interest of the child.
- Require a parent to inform the court of the deployment end date before or within 30 days after that date.

The bill also specifies that, in a motion for change of custody, the parent's duration of deployment could not be considered in a best interest of the child determination. Upon notification of a parent's deployment end date, the court would have to reinstate the custody order in effect immediately before the deployment. If a subsequent motion for change of custody were filed, the court could not consider a parent's absence due to that deployment, or future deployments, in making a best interest of the child determination.

If a deploying parent and the other parent shared custody, the deploying parent would have to notify the other parent of an upcoming deployment within a reasonable period.

The bill would define "deployment" as the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days under temporary or permanent official orders that are designated as unaccompanied, for which dependent travel is not authorized, that otherwise do not permit the movement of family members to that location, and for which the servicemember is restricted from travel.

The bill would take effect 90 days after its enactment.

MCL 722.22 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 3-25-15

Fiscal Analyst: John Maxwell