

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 9

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending section 7 (MCL 722.27), as amended by 2005 PA 328.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (a) Award the custody of the child to 1 or more of the parties
7 involved or to others and provide for payment of support for the
8 child, until the child reaches 18 years of age. Subject to section
9 5b of the support and parenting time enforcement act, 1982 PA 295,
10 MCL 552.605b, 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, court clerk, or state disbursement unit.

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

8 (c) ~~Modify~~ **SUBJECT TO SUBSECTION (3), MODIFY** or amend its
9 previous judgments or orders for proper cause shown or because of
10 change of circumstances until the child reaches 18 years of age
11 and, subject to section 5b of the support and parenting time
12 enforcement act, 1982 PA 295, MCL 552.605b, until the child reaches
13 19 years and 6 months of age. The court shall not modify or amend
14 its previous judgments or orders or issue a new order so as to
15 change the established custodial environment of a child unless
16 there is presented clear and convincing evidence that it is in the
17 best interest of the child. The custodial environment of a child is
18 established if over an appreciable time the child naturally looks
19 to the custodian in that environment for guidance, discipline, the
20 necessities of life, and parental comfort. The age of the child,
21 the physical environment, and the inclination of the custodian and
22 the child as to permanency of the relationship shall also be
23 considered. If a motion for change of custody is filed ~~during the~~
24 ~~time~~ **WHILE** a parent is ~~in active military duty~~, the court shall not
25 ~~enter an order modifying or amending a previous judgment or order,~~
26 ~~or issue a new order, that changes the child's placement that~~
27 ~~existed on the date the parent was called to active military duty,~~

1 ~~except the court may enter a temporary custody order if there is~~
2 ~~clear and convincing evidence that it is in the best interest of~~
3 ~~the child. Upon a parent's return from active military duty, the~~
4 ~~court shall reinstate the custody order in effect immediately~~
5 ~~preceding that period of active military duty. If a motion for~~
6 ~~change of custody is filed after a parent returns from active~~
7 ~~military duty, the court shall not consider a parent's absence due~~
8 ~~to that ~~military~~ **ACTIVE** duty **STATUS** in a best interest of the child~~
9 ~~determination.~~

10 (d) Utilize a guardian ad litem or the community resources in
11 behavioral sciences and other professions in the investigation and
12 study of custody disputes and consider their recommendations for
13 the resolution of the disputes.

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

16 (f) Upon petition consider the reasonable grandparenting time
17 of maternal or paternal grandparents as provided in section 7b and,
18 if denied, make a record of the denial.

19 (2) A judgment or order entered under this act providing for
20 the support of a child is governed by and is enforceable as
21 provided in the support and parenting time enforcement act, 1982 PA
22 295, MCL 552.601 to 552.650. If this act contains a specific
23 provision regarding the contents or enforcement of a support order
24 that conflicts with a provision in the support and parenting time
25 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
26 controls in regard to that provision.

27 (3) **AS PROVIDED IN THE SERVICEMEMBERS CIVIL RELIEF ACT, 50 USC**

1 501 TO 597B, IF A MOTION FOR CHANGE OF CUSTODY IS FILED DURING THE
2 TIME A PARENT IS ON DEPLOYMENT, A PARENT MAY FILE AND THE COURT
3 SHALL ENTERTAIN AN APPLICATION FOR STAY. THE COURT SHALL NOT ENTER
4 AN ORDER MODIFYING OR AMENDING A PREVIOUS JUDGMENT OR ORDER, OR
5 ISSUE A NEW ORDER, THAT CHANGES THE CHILD'S PLACEMENT THAT EXISTED
6 ON THE DATE THE PARENT WAS CALLED TO DEPLOYMENT, EXCEPT THAT THE
7 COURT MAY ENTER A TEMPORARY CUSTODY ORDER IF THERE IS CLEAR AND
8 CONVINCING EVIDENCE THAT IT IS IN THE BEST INTERESTS OF THE CHILD.
9 WHEN A TEMPORARY CUSTODY ORDER IS ISSUED UNDER THIS SUBSECTION, THE
10 COURT MAY INCLUDE A LIMIT ON THE PERIOD OF TIME THAT THE TEMPORARY
11 CUSTODY ORDER REMAINS IN EFFECT. AT ANY STAGE BEFORE FINAL JUDGMENT
12 IN THE PROCEEDING, THE PARENT MAY FILE AN APPLICATION FOR STAY OR
13 OTHERWISE REQUEST A STAY OF THE PROCEEDINGS OR FILE AN APPLICATION
14 FOR AN EXTENSION OF A STAY. THE PARENT AND THE CUSTODIAL CHILD ARE
15 NOT REQUIRED TO BE PRESENT TO CONSIDER THE APPLICATION FOR STAY OR
16 EXTENSION OF A STAY. THE APPLICATION FOR STAY OR EXTENSION OF A
17 STAY IS SUFFICIENT IF IT IS A SIGNED, WRITTEN STATEMENT, CERTIFIED
18 TO BE TRUE UNDER PENALTY OF PERJURY. THE SAME CONDITIONS FOR THE
19 INITIAL STAY APPLY TO AN APPLICATION FOR AN EXTENSION OF A STAY.
20 THE PARENT'S DURATION OF DEPLOYMENT SHALL NOT BE CONSIDERED IN
21 MAKING A BEST INTEREST OF THE CHILD DETERMINATION.

22 (4) THE PARENT SHALL INFORM THE COURT OF THE DEPLOYMENT END
23 DATE BEFORE OR WITHIN 30 DAYS AFTER THAT DEPLOYMENT END DATE. UPON
24 NOTIFICATION OF A PARENT'S DEPLOYMENT END DATE, THE COURT SHALL
25 REINSTATE THE CUSTODY ORDER IN EFFECT IMMEDIATELY PRECEDING THAT
26 PERIOD OF DEPLOYMENT. IF A MOTION FOR CHANGE OF CUSTODY IS FILED
27 AFTER A PARENT RETURNS FROM DEPLOYMENT, THE COURT SHALL NOT

1 CONSIDER A PARENT'S ABSENCE DUE TO THAT DEPLOYMENT IN MAKING A BEST
2 INTEREST OF THE CHILD DETERMINATION. FUTURE DEPLOYMENTS SHALL NOT
3 BE CONSIDERED IN MAKING A BEST INTEREST OF THE CHILD DETERMINATION.

4 (5) IF THE DEPLOYING PARENT AND THE OTHER PARENT SHARE
5 CUSTODY, THE DEPLOYING PARENT MUST NOTIFY THE OTHER PARENT OF AN
6 UPCOMING DEPLOYMENT WITHIN A REASONABLE PERIOD OF TIME.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless all of the following bills of the 98th Legislature are
11 enacted into law:

12 (a) House Bill No. 4071.

13 (b) Senate Bill No. _____ or House Bill No. 4482 (request no.
14 02061'15).