

HOUSE BILL NO. 6262

December 10, 2024, Introduced by Reps. Beeler and Thompson and referred to the Committee on Families, Children and Seniors.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending sections 6a and 7 (MCL 722.26a and 722.27), section 6a
as added by 1980 PA 434 and section 7 as amended by 2015 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6a. (1) In ~~a custody disputes~~**dispute** between parents,
2 the parents ~~shall~~**must** be advised of joint custody. At the request
3 of either parent, the court shall consider an award of joint
4 custody, and shall state on the record the reasons for granting or
5 denying a request. In other cases joint custody may be considered

1 by the court. The court shall determine whether joint custody is in
2 the best ~~interest~~**interests** of the child by considering the
3 following factors:

4 (a) The factors enumerated in section 3.

5 (b) Whether the parents will be able to cooperate and
6 generally agree concerning important decisions affecting the
7 **child's** welfare. ~~of the child.~~

8 (2) If the parents agree on joint custody, the court shall
9 award joint custody unless the court determines on the record,
10 based upon clear and convincing evidence, that joint custody is not
11 in the best interests of the child.

12 (3) If the court awards joint custody, the court may include
13 in its award a statement regarding when the child shall reside with
14 each parent, or may provide that physical custody be shared by the
15 parents in a manner to ~~assure~~**ensure** the child continuing contact
16 with both parents.

17 (4) During the time a child resides with a parent, that parent
18 ~~shall decide~~**decides** all routine matters concerning the child.

19 (5) If there is a dispute regarding residency, the court shall
20 state the basis for a residency award on the record or in writing.

21 (6) Joint custody ~~shall~~**does** not eliminate the responsibility
22 for child support. Each parent ~~shall be~~**is** responsible for child
23 support based on the needs of the child and the actual resources of
24 each parent. If a parent would otherwise be unable to maintain
25 adequate housing for the child and the other parent has sufficient
26 resources, the court may order modified support payments for a
27 portion of housing expenses even during a period when the child is
28 not residing in the home of the parent receiving support. An order
29 of joint custody, in and of itself, ~~shall is~~ not ~~constitute~~ grounds

1 for modifying a support order.

2 **(7) A parent is not responsible for child support for a child**
 3 **that the court determines is not the parent's biological child.**

4 **(8)** ~~(7)~~—As used in this section, "joint custody" means an
 5 order of the court in which 1 or both of the following is
 6 specified:

7 (a) That the child shall reside alternately for specific
 8 periods with each of the parents.

9 (b) That the parents ~~shall~~ share decision-making authority as
 10 to the important decisions affecting the welfare of the child.

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

16 (a) Award the custody of the child to 1 or more of the parties
 17 involved or to others and provide for payment of support for the
 18 child, until the child reaches 18 years of age. Subject to section
 19 5b of the support and parenting time enforcement act, 1982 PA 295,
 20 MCL 552.605b, the court may also order support as provided in this
 21 section for a child after ~~he or she~~ **the child** reaches 18 years of
 22 age. The court may require that support payments ~~shall~~ be made
 23 through the friend of the court, court clerk, or state disbursement
 24 unit.

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

29 (c) Subject to subsection ~~(3)~~, **(4)**, modify or amend its

1 previous judgments or orders for proper cause shown or because of
2 change of circumstances until the child reaches 18 years of age
3 and, subject to section 5b of the support and parenting time
4 enforcement act, 1982 PA 295, MCL 552.605b, until the child reaches
5 19 years and 6 months of age. The court shall not modify or amend
6 its previous judgments or orders or issue a new order so as to
7 change the established custodial environment of a child unless
8 there is presented clear and convincing evidence that it is in the
9 best ~~interest~~**interests** of the child. The custodial environment of
10 a child is established if over an appreciable time the child
11 naturally looks to the custodian in that environment for guidance,
12 discipline, the necessities of life, and parental comfort. The age
13 of the child, the physical environment, and the inclination of the
14 custodian and the child as to permanency of the relationship ~~shall~~
15 **must** also be considered. If a motion for change of custody is filed
16 while a parent is active duty, the court shall not consider a
17 parent's absence due to that active duty status in a best ~~interest~~
18 **interests** of the child determination.

19 (d) Utilize a guardian ad litem or the community resources in
20 behavioral sciences and other professions in the investigation and
21 study of custody disputes and consider their recommendations for
22 the resolution of the disputes.

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

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

28 (2) A judgment or order entered under this act providing for
29 the support of a child is governed by and is enforceable as

1 provided in the support and parenting time enforcement act, 1982 PA
2 295, MCL 552.601 to 552.650. If this act contains a specific
3 provision regarding the contents or enforcement of a support order
4 that conflicts with a provision in the support and parenting time
5 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
6 controls in regard to that provision.

7 **(3) A parent is not responsible for child support for a child**
8 **that the court determines is not the parent's biological child.**

9 **(4) ~~(3)~~**As provided in the servicemembers civil relief act, 50
10 USC ~~501 to 597b~~, **3901 to 4043**, if a motion for change of custody is
11 filed during the time a parent is on deployment, a parent may file
12 and the court shall entertain an application for stay. The court
13 shall not enter an order modifying or amending a previous judgment
14 or order, or issue a new order, that changes the child's placement
15 that existed on the date the parent was called to deployment,
16 except that the court may enter a temporary custody order if there
17 is clear and convincing evidence that it is in the best interests
18 of the child. When a temporary custody order is issued under this
19 subsection, the court may include a limit on the period of time
20 that the temporary custody order remains in effect. At any stage
21 before final judgment in the proceeding, the parent may file an
22 application for stay or otherwise request a stay of the proceedings
23 or file an application for an extension of a stay. The parent and
24 the custodial child are not required to be present to consider the
25 application for stay or extension of a stay. The application for
26 stay or extension of a stay is sufficient if it is a signed,
27 written statement, certified to be true under penalty of perjury.
28 The same conditions for the initial stay apply to an application
29 for an extension of a stay. The parent's duration of deployment

~~shall~~**must** not be considered in making a best ~~interest~~**interests** of the child determination.

(5) ~~(4)~~The parent ~~shall~~**must** inform the court of the deployment end date before or ~~within~~**by not later than** 30 days after that deployment end date. Upon notification of a parent's deployment end date, the court shall reinstate the custody order in effect immediately preceding that period of deployment. If a motion for change of custody is filed after a parent returns from deployment, the court shall not consider a parent's absence due to that deployment in making a best ~~interest~~**interests** of the child determination. Future deployments ~~shall~~**must** not be considered in making a best ~~interest~~**interests** of the child determination.

(6) ~~(5)~~If the deploying parent and the other parent share custody, the deploying parent must notify the other parent of an upcoming deployment within a reasonable period of time.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) Senate Bill No. ____ or House Bill No. 6263 (request no. 06344'24).

(b) Senate Bill No. ____ or House Bill No. 6260 (request no. 06344'24 b).