

**SUBSTITUTE FOR
HOUSE BILL NO. 4691**

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending sections 1, 2, 3, 4, 6a, 7, 7a, and 11 (MCL 722.21,
722.22, 722.23, 722.24, 722.26a, 722.27, 722.27a, and 722.31),
section 2 as amended by 2015 PA 51, section 3 as amended by 2016 PA
95, section 4 as amended by 1998 PA 482, section 6a as added by
1980 PA 434, section 7 as amended by 2015 PA 52, section 7a as
amended by 2016 PA 96, and section 11 as added by 2000 PA 422.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the ~~"child~~
2 ~~custody act of 1970"~~. **"MICHIGAN SHARED PARENTING ACT"**.

3 Sec. 2. As used in this act:

4 (a) "Active duty" means that term as defined in section 101 of
5 the servicemembers civil relief act, 50 USC 511, except that

1 "active duty" includes full-time ~~national guard~~ **NATIONAL GUARD**
2 duty.

3 (b) "Agency" means a legally authorized public or private
4 organization, or governmental unit or official, whether of this
5 state or of another state or country, concerned in the welfare of
6 minor children, including a licensed child placement agency.

7 (c) "Attorney" means, if appointed to represent a child under
8 this act, an attorney serving as the child's legal advocate in a
9 traditional attorney-client relationship with the child, as
10 governed by the Michigan rules of professional conduct. An attorney
11 defined under this subdivision owes the same duties of undivided
12 loyalty, confidentiality, and zealous representation of the child's
13 expressed wishes as the attorney would to an adult client.

14 (d) "Child" means minor child and children. Subject to section
15 5b of the support and parenting time enforcement act, 1982 PA 295,
16 MCL 552.605b, for purposes of providing support, child includes a
17 child and children who have reached 18 years of age.

18 (e) "Deployment" means the movement or mobilization of a
19 servicemember to a location for a period of longer than 60 days and
20 not longer than 540 days under temporary or permanent official
21 orders as follows:

22 (i) That are designated as unaccompanied.

23 (ii) For which dependent travel is not authorized.

24 (iii) That otherwise do not permit the movement of family
25 members to that location.

26 (iv) The servicemember is restricted from travel.

27 **(F) "ESTABLISHED CUSTODIAL ENVIRONMENT" MEANS THE ENVIRONMENT**

1 OF A CHILD ESTABLISHED OVER AN APPRECIABLE TIME WHERE THE CHILD
2 NATURALLY LOOKS TO THE PARTY FOR GUIDANCE, DISCIPLINE, THE
3 NECESSITIES OF LIFE, AND PARENTAL COMFORT.

4 (G) ~~(f)~~—"Grandparent" means a natural or adoptive parent of a
5 child's natural or adoptive parent.

6 (H) ~~(g)~~—"Guardian ad litem" means an individual whom the court
7 appoints to assist the court in determining the child's best
8 interests. A guardian ad litem does not need to be an attorney.

9 (I) "JOINT LEGAL CUSTODY" MEANS THE PARENTS SHARE DECISION-
10 MAKING AUTHORITY AS TO THE IMPORTANT DECISIONS AFFECTING THE
11 CHILD'S WELFARE AND WELL-BEING, INCLUDING THE CHILD'S HEALTH CARE,
12 EDUCATION, AND RELIGION.

13 (J) ~~(h)~~—"Lawyer-guardian ad litem" means an attorney appointed
14 under section 4. A lawyer-guardian ad litem represents the child,
15 and has the powers and duties, as set forth in section 4.

16 (K) "LEGAL RECOGNITION OF PARENTAGE" MEANS THAT PARENTAGE IS
17 ESTABLISHED UNDER THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO
18 722.730, THE CHILD'S FATHER HAS ACKNOWLEDGED PATERNITY UNDER THE
19 ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL 722.1001 TO
20 722.1013, PARENTAGE IS ESTABLISHED UNDER THE MICHIGAN ADOPTION
21 CODE, CHAPTER X OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
22 710.21 TO 710.70, OR PARENTAGE IS ESTABLISHED UNDER THE LAW OF
23 ANOTHER STATE.

24 (l) "MATERIALLY COMPROMISED" MEANS 1 OR MORE APPROPRIATE
25 GROUNDS THAT HAVE OR COULD HAVE A SIGNIFICANT IMPACT ON THE CHILD'S
26 LIFE SUCH THAT AN EVALUATION OF THE CHILD'S CUSTODIAL SITUATION
27 SHOULD BE UNDERTAKEN.

1 (M) ~~(i)~~ "Parent" means the natural or adoptive parent of a
2 child.

3 (N) "PARENTING TIME" MEANS THE TIME THE CHILD SPENDS WITH
4 EITHER PARENT.

5 (O) ~~(j)~~ "State disbursement unit" or "SDU" means the entity
6 established in section 6 of the office of child support act, 1971
7 PA 174, MCL 400.236.

8 (P) "SUBSTANTIALLY EQUAL PARENTING TIME" MEANS THE CHILD
9 RESIDES FOR ALTERNATING PERIODS OF TIME WITH EACH PARENT AND THAT
10 THE COURT SEEKS TO PROVIDE BALANCE AND EQUALITY IN OVERNIGHTS, WITH
11 1 PARENT NOT TO EXCEED 200 OVERNIGHTS IN A YEAR UNLESS OTHERWISE
12 ADJUSTED FOR OR AGREED TO BY THE PARTIES.

13 (Q) ~~(k)~~ "Third person" means an individual other than a
14 parent.

15 Sec. 3. ~~As used in this act, "best interests of the child"~~
16 ~~means the sum total of the following factors to be considered,~~
17 ~~evaluated, and determined by the court:~~ **RECOGNIZING THAT PARENTING**
18 **IS A COLLABORATIVE EFFORT BETWEEN PARENTS INVOLVING A DIVISION OF**
19 **LABOR AND THAT MAINTAINING AN ONGOING RELATIONSHIP WITH EACH PARENT**
20 **AND PROMOTING A STRONG RELATIONSHIP WITH EACH PARENT IS MOST OFTEN**
21 **IN THE BEST INTEREST OF A CHILD, COURTS ARE TO PRESUME**
22 **SUBSTANTIALLY EQUAL PARENTING TIME UNLESS THE COURT DETERMINES BY A**
23 **PREPONDERANCE OF THE EVIDENCE THAT IT IS NOT IN THE CHILD'S BEST**
24 **INTEREST BY CONSIDERING, EVALUATING, AND DETERMINING THE SUM OF THE**
25 **FOLLOWING BEST INTEREST FACTORS:**

26 (a) The love, affection, and other emotional ties existing
27 between the parties involved and the child.

1 ~~—— (b) The capacity and disposition of the parties involved to~~
2 ~~give the child love, affection, and guidance and to continue the~~
3 ~~education and raising of the child in his or her religion or creed,~~
4 ~~if any.~~

5 ~~—— (c) The capacity and disposition of the parties involved to~~
6 ~~provide the child with food, clothing, medical care or other~~
7 ~~remedial care recognized and permitted under the laws of this state~~
8 ~~in place of medical care, and other material needs.~~

9 ~~—— (d) The length of time the child has lived in a stable,~~
10 ~~satisfactory environment, and the desirability of maintaining~~
11 ~~continuity.~~

12 ~~—— (e) The permanence, as a family unit, of the existing or~~
13 ~~proposed custodial home or homes.~~

14 ~~—— (f) The moral fitness of the parties involved.~~

15 ~~—— (g) The mental and physical health of the parties involved.~~

16 ~~—— (h) The home, school, and community record of the child.~~

17 ~~—— (i) The reasonable preference of the child, if the court~~
18 ~~considers the child to be of sufficient age to express preference.~~

19 **(B) THE HISTORY OF THE PARENTS IN PROVIDING FOR, THROUGH**
20 **FINANCIAL SUPPORT OR OTHERWISE, THE CHILD'S EDUCATION ENDEAVORS,**
21 **RAISING OF THE CHILD IN HIS OR HER RELIGION OR CREED, IF ANY, AND**
22 **HEALTH CARE NEEDS AND THE CAPACITY TO DO THIS IN THE FUTURE.**

23 **(C) THE HISTORY OF THE PARENTS IN PROVIDING, THROUGH FINANCIAL**
24 **SUPPORT OR OTHERWISE, FOOD, CLOTHING, AND OTHER NECESSITIES OF THE**
25 **CHILD'S DAILY LIFE AND THE CAPACITY TO DO THIS IN THE FUTURE.**

26 **(D) THE HISTORY OF THE PARENTS IN MAINTAINING REGULAR AND**
27 **ONGOING CONTACT WITH THE CHILD, THE CAPACITY TO DO THIS IN THE**

1 FUTURE, AND THE IMPACT ON THE CHILD IF REGULAR AND ONGOING CONTACT
2 WITH THE PARENTS IS NOT MAINTAINED.

3 (E) THE HISTORY OF THE PARENTS IN PROVIDING AGE-APPROPRIATE
4 EMOTIONAL AND SOCIAL DEVELOPMENT AND THE CAPACITY TO DO THIS IN THE
5 FUTURE.

6 (F) A PARENT'S BEHAVIOR EXTENDING BEYOND REASONABLE PARENTING
7 PRACTICES THAT MATERIALLY COMPROMISES THE STABILITY OF THE HOME OR
8 THE HEALTH, SAFETY, OR WELL-BEING OF THE CHILD.

9 (G) A MENTAL OR PHYSICAL CONDITION OR MORAL FITNESS OF A
10 PARENT THAT MATERIALLY COMPROMISES THE STABILITY OF THE HOME OR THE
11 HEALTH, SAFETY, OR WELL-BEING OF THE CHILD.

12 (H) THE IMPACT ON THE CHILD'S ACADEMICS IF REGULAR AND ONGOING
13 CONTACT WITH BOTH PARENTS IS NOT MAINTAINED.

14 (I) IF A PARENT IS ENGAGED IN CRIMINAL ACTIVITY OR SUBSTANCE
15 USE THAT MATERIALLY COMPROMISES THE STABILITY OF THE HOME OR THE
16 HEALTH, SAFETY, OR WELL-BEING OF THE CHILD.

17 (j) The willingness and ability of each of the parties to
18 facilitate and encourage a close and continuing parent-child
19 relationship between the child and the other parent or the child
20 and the parents. A court may not consider negatively for the
21 purposes of this factor any reasonable action taken by a parent to
22 protect a child or that parent from sexual assault or domestic
23 violence by the child's other parent **OR A PERSON IN THE CHILD'S**
24 **HOME.**

25 (k) Domestic violence, regardless of whether the violence was
26 directed against or witnessed by the child.

27 (l) A PARENT'S ABILITY TO PROVIDE TRANSPORTATION FOR THE CHILD

1 DURING PARENTING TIME OR EXCHANGES, EITHER PERSONALLY OR BY
2 PROVIDING ALTERNATIVE TRANSPORTATION.

3 (M) ~~(L)~~ Any other factor considered by the court ~~to be~~
4 ~~relevant to a particular child custody dispute.~~ **THAT MAY MATERIALLY**
5 **COMPROMISE THE STABILITY OF THE HOME OR THE HEALTH, SAFETY, OR**
6 **WELL-BEING OF THE CHILD.**

7 Sec. 4. (1) In all actions involving dispute of a minor
8 child's custody, the court shall declare the child's inherent
9 rights and establish the ~~rights~~ **RESPONSIBILITIES** and duties as to
10 the child's custody, support, and parenting time in accordance with
11 this act.

12 (2) If, at any time in the proceeding, the court determines
13 that the child's best interests are inadequately represented, the
14 court may appoint a lawyer-guardian ad litem to represent the
15 child. A lawyer-guardian ad litem represents the child and has
16 powers and duties in relation to that representation as set forth
17 in section 17d of chapter XIIA of **THE PROBATE CODE OF 1939**, 1939 PA
18 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of
19 **THE PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.17d, apply to a
20 lawyer-guardian ad litem appointed under this act.

21 (3) In a proceeding in which a lawyer-guardian ad litem
22 represents a child, he or she may file a written report and
23 recommendation. The court may read the report and recommendation.
24 The court shall not ~~, however,~~ admit the report and recommendation
25 into evidence unless all parties stipulate the admission. The
26 parties may make use of the report and recommendation for purposes
27 of a settlement conference.

1 (4) After a determination of ability to pay, the court may
2 assess all or part of the costs and reasonable fees of the lawyer-
3 guardian ad litem against 1 or more of the parties involved in the
4 proceedings or against the money allocated from marriage license
5 fees for family counseling services under section 3 of 1887 PA 128,
6 MCL 551.103. A lawyer-guardian ad litem appointed under this
7 section shall not be paid a fee unless the court first receives and
8 approves the fee.

9 Sec. 6a. (1) **IF THE PARENTS RESIDE TOGETHER AT THE TIME THE**
10 **CUSTODY OR DIVORCE ACTION IS FILED, IT IS PRESUMED THAT BOTH**
11 **PARENTS HAVE ESTABLISHED A CUSTODIAL ENVIRONMENT FOR THE PURPOSE OF**
12 **DETERMINING CUSTODY AND PARENTING TIME ARRANGEMENTS.**

13 (2) **IF THE PARENTS DO NOT RESIDE TOGETHER, BUT EACH PARTY HAS**
14 **MAINTAINED REGULAR AND ONGOING CONTACT WITH THE CHILD, EACH PARTY**
15 **SHALL BE GIVEN 90 DAYS TO NOTIFY THE COURT AND THE OTHER PARTY OF**
16 **HIS OR HER INTENTION TO PRESERVE HIS OR HER ESTABLISHED CUSTODIAL**
17 **ENVIRONMENT.**

18 (3) **IF A PARENT PROVIDES TIMELY NOTIFICATION AS DESCRIBED IN**
19 **SUBSECTION (2), THE COURT SHALL PRESUME THAT THE PARENT HAS**
20 **MAINTAINED THE ESTABLISHED CUSTODIAL ENVIRONMENT FOR THE PURPOSE OF**
21 **DETERMINING CUSTODY AND PARENTING TIME ARRANGEMENTS.**

22 (4) **A PARENT MAY REBUT THE PRESUMPTION OF AN ESTABLISHED**
23 **CUSTODIAL ENVIRONMENT UNDER SUBSECTION (1) OR (3) BY SHOWING BY A**
24 **PREPONDERANCE OF THE EVIDENCE THAT MAINTAINING THE ESTABLISHED**
25 **CUSTODIAL ENVIRONMENT WITH THE OTHER PARENT IS NOT IN THE CHILD'S**
26 **BEST INTEREST.**

27 (5) **IF A PARENT NOTIFIES THE COURT AFTER THE 90-DAY PERIOD**

1 PROVIDED IN SUBSECTION (2), THE COURT SHALL PROVIDE THE PARENT WITH
2 AN OPPORTUNITY FOR REUNIFICATION WITH THE CHILD AND ORDER THAT AN
3 EFFORT FOR REUNIFICATION OF THE CHILD WITH THE PARENT BE MADE,
4 UNLESS THE COURT DETERMINES THAT REUNIFICATION IS NOT IN THE
5 CHILD'S BEST INTEREST.

6 (6) IF THE PRESUMPTION OF AN ESTABLISHED CUSTODIAL ENVIRONMENT
7 UNDER SUBSECTION (1) OR (3) IS REBUTTED BECAUSE THAT PARENT WAS
8 UNAWARE OF THE PARENTAGE OR WAS UNABLE TO MAKE ROUTINE CONTACT WITH
9 THE CHILD DUE TO GOOD CAUSE, THE PARENT SHALL BE GIVEN 90 DAYS FROM
10 THE DATE OF LEGAL RECOGNITION OF PARENTAGE OR FROM THE DATE THE
11 COURT REBUTS THE PRESUMPTION TO NOTIFY THE COURT THAT HE OR SHE IS
12 ESTABLISHING HIS OR HER CUSTODIAL ENVIRONMENT.

13 (7) AFTER NOTIFICATION DESCRIBED IN SUBSECTION (6), THE COURT
14 SHALL PROVIDE THE PARENT WITH AN OPPORTUNITY FOR UNIFICATION WITH
15 THE CHILD AND ORDER THAT AN EFFORT FOR UNIFICATION OF THE CHILD
16 WITH THE PARENT BE MADE, UNLESS THE COURT DETERMINES THAT
17 UNIFICATION IS NOT IN THE CHILD'S BEST INTEREST.

18 (8) EXCEPT AS PROVIDED IN SUBSECTION (6), IF THE PRESUMPTION
19 OF AN ESTABLISHED CUSTODIAL ENVIRONMENT UNDER SUBSECTION (1) OR (3)
20 IS REBUTTED, THE COURT SHALL STATE IN ITS RULING THE FINDINGS OF
21 FACTS AND CONCLUSIONS OF LAW THAT JUSTIFY ITS DECISION AND ORDER A
22 CUSTODY ARRANGEMENT THAT IS IN THE CHILD'S BEST INTEREST AND
23 PARENTING TIME ACCORDING TO SECTION 7A.

24 (9) ~~(1)~~—In custody disputes between parents, the parents shall
25 be advised BY THE COURT of THE PRESUMPTION OF joint LEGAL custody
26 AND SUBSTANTIALLY EQUAL PARENTING TIME AND OF THE DEADLINES
27 PROVIDED IN THIS SECTION. ~~At the request of either parent, the~~

~~1 court shall consider an award of joint custody, and shall state on~~
~~2 the record the reasons for granting or denying a request. In other~~
~~3 cases joint custody may be considered by the court. The court shall~~
~~4 determine whether joint custody is in the best interest of the~~
~~5 child by considering the following factors:~~ **IF, AFTER THE PARENTS**
6 HAVE BEEN NOTIFIED OF THE PRESUMPTION AND DEADLINES, THEY AGREE TO
7 A CUSTODY AND PARENTING TIME ARRANGEMENT, THE COURT SHALL GRANT THE
8 CUSTODY AND PARENTING TIME ARRANGEMENT UNLESS THE COURT DETERMINES
9 THAT IT IS NOT IN THE CHILD'S BEST INTEREST.

~~10 (a) The factors enumerated in section 3.~~

~~11 (b) Whether the parents will be able to cooperate and~~
~~12 generally agree concerning important decisions affecting the~~
~~13 welfare of the child.~~

14 (10) A COURT SHALL GRANT JOINT LEGAL CUSTODY TO THE PARENTS
15 UNLESS THE PARENTS MUTUALLY CONSENT TO ANOTHER AGREEMENT OR 1
16 PARENT SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT A CHILD'S
17 HEALTH, SAFETY, OR WELL-BEING WOULD LIKELY BE MATERIALLY
18 COMPROMISED. IF THE COURT DETERMINES THAT THE PARENTS, IF AWARDED
19 JOINT LEGAL CUSTODY, ARE NOT LIKELY TO COOPERATE OR AGREE
20 CONCERNING IMPORTANT DECISIONS AFFECTING THE WELFARE OF THE CHILD,
21 THE COURT SHALL STATE IN ITS RULING THE FINDINGS OF FACTS AND
22 CONCLUSIONS OF LAW THAT JUSTIFY ITS DECISION AND MAY DO THE
23 FOLLOWING:

24 (A) REFER THE PARENTS TO APPROPRIATE SERVICES UNTIL THE
25 PARENTS ARE ABLE TO COOPERATE AND AGREE ON IMPORTANT DECISIONS FOR
26 THE BENEFIT OF THE CHILD.

27 (B) INFORM THE PARENTS THAT THE COURT MAY REVOKE JOINT LEGAL

1 CUSTODY IF THE CHILD'S HEALTH, SAFETY, OR WELL-BEING WOULD LIKELY
2 BE MATERIALLY COMPROMISED BY THE PARENTS' INABILITY TO AGREE.

3 (C) ORDER THAT NO CHANGES MAY BE MADE WITH REGARD TO THE
4 CHILD'S SCHOOLING OR OTHER IMPORTANT DECISIONS UNTIL THE PARENTS
5 ARE ABLE TO AGREE ON IMPORTANT ISSUES FOR THE BENEFIT OF THE CHILD
6 OR AGREE TO A DECISION-MAKING PROCESS OR DESIGNEE TO SETTLE
7 DISPUTES FOR THE BENEFIT OF THE CHILD.

8 (D) ANY OTHER ACTION THE COURT CONSIDERS NECESSARY TO BRING
9 THE PARENTS INTO COOPERATION FOR THE BENEFIT OF THE CHILD.

10 (11) IF, AFTER ATTEMPTING TO BRING THE PARENTS TO COOPERATION
11 AS PRESCRIBED IN SUBSECTION (10), THE COURT DETERMINES THAT THE
12 PARENTS ARE LIKELY NEVER TO COOPERATE AND AGREE, THE COURT SHALL
13 STATE IN ITS RULING THE FINDINGS OF FACTS AND CONCLUSIONS OF LAW
14 THAT JUSTIFY ITS DECISION AND MAY AWARD SOLE LEGAL CUSTODY TO 1
15 PARENT IF THE LACK OF COOPERATION AND AGREEMENT IS LIKELY TO
16 MATERIALLY COMPROMISE A CHILD'S HEALTH, SAFETY, OR WELL-BEING. IN
17 DETERMINING WHICH PARENT SHALL BE AWARDED SOLE LEGAL CUSTODY,
18 EFFORTS SHALL BE MADE BY THE COURT TO DETERMINE IF 1 PARTY IS NOT
19 ACTING IN GOOD FAITH AND IS PRIMARILY AT FAULT FOR THE LACK OF
20 COOPERATION AND AGREEMENT.

21 (12) IF AN ESTABLISHED CUSTODIAL ENVIRONMENT HAS BEEN CREATED
22 BY BOTH PARENTS, A COURT SHALL GRANT THE PARENTS SUBSTANTIALLY
23 EQUAL PARENTING TIME UNLESS THE PARENTS' CONSENT TO ANOTHER
24 AGREEMENT OR 1 PARENT SHOWS BY A PREPONDERANCE OF THE EVIDENCE 1 OF
25 THE FOLLOWING:

26 (A) DOMESTIC VIOLENCE, REGARDLESS OF WHETHER THE VIOLENCE WAS
27 DIRECTED AGAINST OR WITNESSED BY THE CHILD. A COURT MAY NOT

1 CONSIDER NEGATIVELY ANY REASONABLE ACTION TAKEN BY A PARENT TO
2 PROTECT A CHILD OR THAT PARENT FROM SEXUAL ASSAULT OR DOMESTIC
3 VIOLENCE BY THE CHILD'S OTHER PARENT.

4 (B) THE CHILD WOULD LIKELY BE SUBJECTED TO CHILD ABUSE OR
5 CHILD NEGLECT AS THOSE TERMS ARE DEFINED IN SECTION 2 OF THE CHILD
6 PROTECTION LAW, 1975 PA 238, MCL 722.622.

7 (C) IF THE RELATIONSHIP BETWEEN THE CHILD AND A PARENT IS
8 MATERIALLY HARMED DURING THE CHILD'S TIME WITH THE OTHER PARENT DUE
9 TO ACTIONS THAT ATTEMPT TO FRUSTRATE THE RELATIONSHIP OR ALIENATE
10 THE CHILD FROM THE PARENT.

11 (D) A PARENT HAS KNOWINGLY MADE FALSE ALLEGATIONS REGARDING
12 CHILD ABUSE, CHILD NEGLECT, OR DOMESTIC VIOLENCE IN A FAMILY COURT
13 PROCEEDING. FOR THE PURPOSES OF THIS SUBDIVISION, FAILURE TO PROVE
14 AN ALLEGATION DOES NOT CONSTITUTE EVIDENCE OF KNOWINGLY MAKING A
15 FALSE OR MISLEADING ALLEGATION.

16 (E) A CHILD HAS A STRONG, GENUINE, AND REASONABLE PREFERENCE
17 IF THE COURT CONSIDERS THE CHILD TO BE OF SUFFICIENT AGE AND
18 MATURITY TO EXPRESS PREFERENCE AND THAT PREFERENCE IS NOT CAUSED AS
19 A RESULT OF PARENTAL ALIENATION. PREDOMINANT WEIGHT SHALL BE GIVEN
20 TO A CHILD'S PREFERENCE AFTER HE OR SHE TURNS 16 YEARS OF AGE.

21 (13) IF THE COURT DETERMINES THAT ANY 1 OF THE FACTORS
22 ENUMERATED IN SUBSECTION (12) EXISTS, THE COURT SHALL STATE IN ITS
23 RULING THE FINDINGS OF FACTS AND CONCLUSIONS OF LAW THAT JUSTIFY
24 ITS DECISION AND SHALL NOT GRANT SUBSTANTIALLY EQUAL PARENTING
25 TIME, BUT MAY AWARD A CUSTODY ARRANGEMENT THAT IS IN THE CHILD'S
26 BEST INTEREST AND PARENTING TIME ACCORDING TO SECTION 7A. IF THE
27 COURT DETERMINES THAT THERE IS A REASONABLE LIKELIHOOD THAT THE

1 ACTIVITY WILL CONTINUE, THE COURT MAY ISSUE AN ORDER FOR COUNSELING
2 OR PARENTING CLASSES FOR THE PARENTS, INVESTIGATIVE SERVICES, OR
3 SUPERVISED PARENTING TIME OR EXCHANGES.

4 (14) ~~(2)~~ THE COURT SHALL ALLOW THE PARENTS SUFFICIENT TIME TO
5 CONSIDER AND DISCUSS A PARENTING TIME ARRANGEMENT. If the parents
6 agree on joint **LEGAL** custody **AND PARENTING TIME**, the court shall
7 award joint **LEGAL** custody **AND THE PARENTING TIME AGREEMENT** unless
8 the court determines on the record, based upon clear and convincing
9 evidence, that joint **LEGAL** custody **OR THE PARENTING TIME AGREEMENT**
10 is not in the best interests of the child.

11 (15) ~~(3)~~ If the court awards joint custody, **IF THE PARENTS DO**
12 **NOT AGREE TO PARENTING TIME**, the court may **REFER THE PARENTS TO**
13 **SERVICES TO COME TO AN AGREEMENT IN THE BEST INTERESTS OF THE CHILD**
14 **OR** include in its award a statement regarding when the child shall
15 reside with each parent, ~~or may provide that physical custody be~~
16 ~~shared by the parents~~ in a manner to assure **ENSURE** the child
17 continuing contact with both parents.

18 (16) ~~(4)~~ During the time a child resides with a parent, that
19 parent shall decide all routine matters concerning the child.

20 (17) ~~(5)~~ If there is a dispute regarding residency, **IF THE**
21 **PARENTS HAVE JOINT LEGAL CUSTODY**, the court **MAY DESIGNATE 1 OF THE**
22 **PARENTS' ADDRESSES AS THE OFFICIAL RESIDENCE SOLELY FOR THE PURPOSE**
23 **OF ESTABLISHING RESIDENCY FOR A SCHOOL DISTRICT AND ALL OTHER STATE**
24 **OR FEDERAL STATUTES THAT REQUIRE A DESIGNATION OR DETERMINATION OF**
25 **RESIDENCE. THIS DESIGNATION HAS NO BEARING ON CUSTODY OR PARENTING**
26 **TIME. THE COURT** shall state the basis for a residency award
27 **DETERMINATION** on the record or in writing.

1 (18) ~~(6)~~ Joint **LEGAL** custody ~~shall~~ **DOES** not eliminate the
 2 responsibility for child support. Each parent ~~shall~~ **MUST** be
 3 responsible for child support based on the needs of the child and
 4 the actual resources of each parent. If a parent would otherwise be
 5 unable to maintain adequate housing for the child and the other
 6 parent has sufficient resources, the court may order modified
 7 support payments for a portion of housing expenses even during a
 8 period when the child is not residing in the home of the parent
 9 receiving support. An order of joint **LEGAL** custody, in and of
 10 itself, ~~shall~~ **DOES** not constitute grounds for modifying a support
 11 order.

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

14 ~~—— (a) That the child shall reside alternately for specific~~
 15 ~~periods with each of the parents.~~

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

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

23 (a) ~~Award the custody of the child to 1 or more of the parties~~
 24 ~~involved or to others and provide~~ **PROVIDE** for payment of support
 25 for the child, until the child reaches 18 years of age. Subject to
 26 section 5b of the support and parenting time enforcement act, 1982
 27 PA 295, MCL 552.605b, the court may also order support as provided

1 in this section for a child after he or she reaches 18 years of
2 age. The court may require that support payments ~~shall~~**MUST** be made
3 through the friend of the court, court clerk, or state disbursement
4 unit.

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

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

1 (C) ~~(d)~~ Utilize a guardian ad litem or the community resources
2 in behavioral sciences and other professions in the investigation
3 and study of custody disputes and consider their recommendations
4 for the resolution of the disputes.

5 (D) ~~(e)~~ Take any other action considered to be necessary in a
6 particular child custody dispute.

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

10 (2) A judgment or order entered under this act providing for
11 the support of a child is governed by and is enforceable as
12 provided in the support and parenting time enforcement act, 1982 PA
13 295, MCL 552.601 to 552.650. If this act contains a specific
14 provision regarding the contents or enforcement of a support order
15 that conflicts with a provision in the support and parenting time
16 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
17 controls in regard to that provision.

18 (3) As provided in the servicemembers civil relief act, 50 USC
19 501 to 597b, if a motion for change of **JOINT LEGAL** custody **OR**
20 **PARENTING TIME** is filed during the time a parent is on deployment,
21 a parent may file and the court shall ~~entertain~~ **GRANT** an
22 application for stay. The court shall not enter an order modifying
23 or amending a previous judgment or order, or issue a new order,
24 that changes the ~~child's placement~~ **JOINT LEGAL CUSTODY OR PARENTING**
25 **TIME** that existed on the date the parent was called to deployment,
26 except that the court may enter a temporary ~~custody~~ **PARENTING TIME**
27 order if there is clear and convincing evidence that it is in the

1 best interests of the child. When a temporary ~~custody~~**PARENTING**
2 **TIME** order is issued under this subsection, the court may include a
3 limit on the period of time that the temporary ~~custody~~**PARENTING**
4 **TIME** order remains in effect. At any stage before final judgment in
5 the proceeding, the parent may file an application for stay or
6 otherwise request a stay of the proceedings or file an application
7 for an extension of a stay. The parent and the ~~custodial~~ child are
8 not required to be present to consider the application for stay or
9 extension of a stay. The application for stay or extension of a
10 stay is sufficient if it is a signed, written statement, certified
11 to be true under penalty of perjury. The same conditions for the
12 initial stay apply to an application for an extension of a stay.
13 The parent's duration of deployment shall not be considered in
14 making a best interest of the child determination.

15 (4) The parent shall inform the court of the deployment end
16 date before or within 30 days after that deployment end date. Upon
17 notification of a parent's deployment end date, the court shall
18 reinstate the **JOINT LEGAL** custody **AND PARENTING TIME** order in
19 effect immediately preceding that period of deployment. If a motion
20 for change of **JOINT LEGAL** custody **OR PARENTING TIME** is filed after
21 a parent returns from deployment, the court shall not consider a
22 parent's absence due to that deployment in making a best interest
23 of the child determination. Future deployments shall not be
24 considered in making a best interest of the child determination.

25 (5) If the deploying parent and the other parent share **JOINT**
26 **LEGAL** custody, the deploying parent must notify the other parent of
27 an upcoming deployment within a reasonable period of time.

1 Sec. 7a. (1) A PARENTING TIME ORDER MAY CONTAIN ANY REASONABLE
2 TERM OR CONDITION THAT FACILITATES THE ORDERLY AND MEANINGFUL
3 EXERCISE OF PARENTING TIME BY A PARENT, INCLUDING 1 OR MORE OF THE
4 FOLLOWING:

5 (A) DIVISION OF THE RESPONSIBILITY TO TRANSPORT THE CHILD.

6 (B) DIVISION OF THE COST OF TRANSPORTING THE CHILD.

7 (C) RESTRICTION ON THE PRESENCE OF THIRD PERSONS DURING
8 PARENTING TIME, IF IT IS DETERMINED BY THE COURT TO IMPACT THE
9 HEALTH, SAFETY, OR WELL-BEING OF THE CHILD.

10 (D) REQUIREMENT THAT THE CHILD BE READY FOR PARENTING TIME AT
11 A SPECIFIC TIME.

12 (E) REQUIREMENT THAT THE PARENT ARRIVE FOR PARENTING TIME AND
13 RETURN THE CHILD FROM PARENTING TIME AT SPECIFIC TIMES.

14 (F) REQUIREMENT THAT PARENTING TIME OCCUR IN THE PRESENCE OF A
15 THIRD PERSON OR AGENCY.

16 (G) REQUIREMENT THAT A PARENT POST A BOND TO ENSURE COMPLIANCE
17 WITH A PARENTING TIME ORDER.

18 (H) REQUIREMENT OF REASONABLE NOTICE WHEN PARENTING TIME WILL
19 NOT OCCUR.

20 (I) ANY OTHER REASONABLE CONDITION DETERMINED TO BE
21 APPROPRIATE IN THE PARTICULAR CASE.

22 (2) EXCEPT AS PROVIDED IN THIS SUBSECTION, A PARENTING TIME
23 ORDER SHALL CONTAIN A PROHIBITION ON EXERCISING PARENTING TIME IN A
24 COUNTRY THAT IS NOT A PARTY TO THE HAGUE CONVENTION ON THE CIVIL
25 ASPECTS OF INTERNATIONAL CHILD ABDUCTION. THIS SUBSECTION DOES NOT
26 APPLY IF BOTH PARENTS PROVIDE THE COURT WITH WRITTEN CONSENT TO
27 ALLOW A PARENT TO EXERCISE PARENTING TIME IN A COUNTRY THAT IS NOT

1 A PARTY TO THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF
2 INTERNATIONAL CHILD ABDUCTION.

3 (3) IF THE COURT AWARDS SUBSTANTIALLY EQUAL PARENTING TIME,
4 PARENTING TIME SHALL BE GRANTED IN ACCORDANCE WITH THE PROVISIONS
5 OF SUBSECTION (1) AND SECTION 6A.

6 (4) IF THE COURT ORDERS A PARENTING TIME ARRANGEMENT OTHER
7 THAN SUBSTANTIALLY EQUAL PARENTING TIME TO BOTH PARTIES,
8 SUBSECTIONS (5) TO (12) APPLY.

9 (5) ~~(1) Parenting time shall be granted in accordance with the~~
10 ~~best interests of the child. It is presumed to be in the best~~
11 ~~interests of a child for the child to have a strong relationship~~
12 ~~with both of his or her parents. Except as otherwise provided in~~
13 ~~this section, parenting time shall be granted to a parent in a~~
14 ~~frequency, duration, and type reasonably calculated to promote a~~
15 ~~strong relationship between the child and the parent granted~~
16 ~~parenting time.~~

17 (6) ~~(2) If the parents of a child agree on parenting time~~
18 ~~terms, the court shall order the parenting time terms unless the~~
19 ~~court determines on the record by clear and convincing evidence~~
20 ~~that the parenting time terms are not in the best interests of the~~
21 ~~child.~~

22 (7) ~~(3) A child has a right to parenting time with a parent~~
23 ~~unless it is shown on the record by clear and convincing evidence~~
24 ~~that it would endanger the child's physical, mental, or emotional~~
25 ~~health.~~

26 (8) ~~(4) Notwithstanding other provisions of this act, if a~~
27 ~~proceeding regarding parenting time involves a child who is~~

1 conceived as the result of acts for which 1 of the child's
2 biological parents is convicted of criminal sexual conduct as
3 provided in sections 520a to 520e and 520g of the Michigan penal
4 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, or a
5 substantially similar statute of another state or the federal
6 government, or is found by clear and convincing evidence in a fact-
7 finding hearing to have committed acts of nonconsensual sexual
8 penetration, the court shall not grant parenting time to that
9 biological parent. This subsection does not apply to a conviction
10 under section 520d(1)(a) of the Michigan penal code, 1931 PA 328,
11 MCL 750.520d. This subsection does not apply if, after the date of
12 the conviction, or the date of the finding in a fact-finding
13 hearing described in this subsection, the biological parents
14 cohabit and establish a mutual custodial environment for the child.

15 (9) ~~(5)~~—A parent may assert an affirmative defense of the
16 provisions of subsection ~~(4)~~—(8) in a proceeding brought by the
17 offending parent regarding a child described in subsection ~~(4)~~—(8).

18 (10) ~~(6)~~—Notwithstanding other provisions of this act, if an
19 individual is convicted of criminal sexual conduct as provided in
20 sections 520a to 520e and 520g of the Michigan penal code, 1931 PA
21 328, MCL 750.520a to 750.520e and 750.520g, and the victim is the
22 individual's child, the court shall not grant parenting time with
23 that child or a sibling of that child to that individual, unless
24 both the child's other parent and, if the court considers the child
25 or sibling to be of sufficient age to express his or her desires,
26 the child or sibling consent to the parenting time.

27 (11) ~~(7)~~—The court ~~may~~ **SHALL** consider the following factors

1 when determining the frequency, duration, and type of parenting
2 time to be granted:

3 (a) The existence of any special circumstances or needs of the
4 child.

5 (b) Whether the child is a nursing child less than 6 months of
6 age, or less than 1 year of age if the child receives substantial
7 nutrition through nursing.

8 (c) The reasonable likelihood of **CHILD** abuse or **CHILD** neglect
9 of the child during parenting time.

10 (d) The reasonable likelihood of abuse of a parent resulting
11 from the exercise of parenting time.

12 (e) The inconvenience to, and burdensome impact or effect on,
13 the child of traveling for purposes of parenting time.

14 (f) Whether a parent can reasonably be expected to exercise
15 parenting time in accordance with the court order.

16 (g) Whether a parent has frequently failed to exercise
17 reasonable parenting time.

18 (h) The threatened or actual detention of the child with the
19 intent to retain or conceal the child from the other parent **WHO HAS**
20 **JOINT LEGAL CUSTODY** or from a third person who has legal custody. A
21 custodial parent's temporary residence with the child in a domestic
22 violence shelter shall not be construed as evidence of the
23 custodial parent's intent to retain or conceal the child from the
24 other parent.

25 (i) Any other relevant factors.

26 **(12)** ~~(8)~~—Parenting time shall be granted in specific terms if
27 requested by either party at any time.

~~1 (9) A parenting time order may contain any reasonable terms or
2 conditions that facilitate the orderly and meaningful exercise of
3 parenting time by a parent, including 1 or more of the following:
4 (a) Division of the responsibility to transport the child.
5 (b) Division of the cost of transporting the child.
6 (c) Restrictions on the presence of third persons during
7 parenting time.
8 (d) Requirements that the child be ready for parenting time at
9 a specific time.
10 (e) Requirements that the parent arrive for parenting time and
11 return the child from parenting time at specific times.
12 (f) Requirements that parenting time occur in the presence of
13 a third person or agency.
14 (g) Requirements that a party post a bond to assure compliance
15 with a parenting time order.
16 (h) Requirements of reasonable notice when parenting time will
17 not occur.
18 (i) Any other reasonable condition determined to be
19 appropriate in the particular case.
20 (10) Except as provided in this subsection, a parenting time
21 order shall contain a prohibition on exercising parenting time in a
22 country that is not a party to the Hague Convention on the Civil
23 Aspects of International Child Abduction. This subsection does not
24 apply if both parents provide the court with written consent to
25 allow a parent to exercise parenting time in a country that is not
26 a party to the Hague Convention on the Civil Aspects of
27 International Child Abduction.~~

1 **(13)** ~~(11)~~—During the time a child is with a parent to whom
2 parenting time has been awarded, that parent shall decide all
3 routine matters concerning the child.

4 **(14)** ~~(12)~~—Prior to entry of a temporary order, a parent may
5 seek an ex parte interim order concerning parenting time. If the
6 court enters an ex parte interim order concerning parenting time,
7 the party on whose motion the ex parte interim order is entered
8 shall have a true copy of the order served on the friend of the
9 court and the opposing party.

10 **(15)** ~~(13)~~—If the opposing party objects to the ex parte
11 interim order, he or she shall file with the clerk of the court
12 within 14 days after receiving notice of the order a written
13 objection to, or a motion to modify or rescind, the ex parte
14 interim order. The opposing party shall have a true copy of the
15 written objection or motion served on the friend of the court and
16 the party who obtained the ex parte interim order.

17 **(16)** ~~(14)~~—If the opposing party files a written objection to
18 the ex parte interim order, the friend of the court shall attempt
19 to resolve the dispute within 14 days after receiving it. If the
20 matter cannot be resolved, the friend of the court shall provide
21 the opposing party with a form motion and order with written
22 instructions for their use in modifying or rescinding the ex parte
23 order without assistance of counsel. If the opposing party wishes
24 to proceed without assistance of counsel, the friend of the court
25 shall schedule a hearing with the court that shall be held within
26 21 days after the filing of the motion. If the opposing party files
27 a motion to modify or rescind the ex parte interim order and

1 requests a hearing, the court shall resolve the dispute within 28
2 days after the hearing is requested.

3 **(17)** ~~(15)~~—An ex parte interim order issued under this section
4 shall contain the following notice:

5 NOTICE:

6 1. You may file a written objection to this order or a motion
7 to modify or rescind this order. You must file the written
8 objection or motion with the clerk of the court within 14 days
9 after you were served with this order. You must serve a true copy
10 of the objection or motion on the friend of the court and the party
11 who obtained the order.

12 2. If you file a written objection, the friend of the court
13 must try to resolve the dispute. If the friend of the court cannot
14 resolve the dispute and if you wish to bring the matter before the
15 court without the assistance of counsel, the friend of the court
16 must provide you with form pleadings and written instructions and
17 must schedule a hearing with the court.

18 **(18)** ~~(16)~~—As provided in the servicemembers civil relief act,
19 50 USC 501 to 597b, if a motion for change of parenting time is
20 filed during the time a parent is on deployment, a parent may file
21 and the court shall ~~entertain~~**GRANT** an application for stay. The
22 court shall presume that the best interests of the child are served
23 by not entering an order modifying or amending a previous judgment
24 or order, or issuing a new order, that changes the parenting time
25 that existed on the date the parent was called to deployment,
26 unless the contrary is established by clear and convincing
27 evidence, at which time the court may enter a temporary parenting

1 time order. When a temporary parenting time order is issued under
2 this subsection, the court may include a limit on the period of
3 time that the temporary parenting time order remains in effect. At
4 any stage before final judgment in the proceeding, the parent may
5 file an application for stay or otherwise request a stay of
6 proceedings or file an application for an extension of a stay. The
7 parent and the custodial child are not required to be present to
8 consider the application for stay or extension of a stay. The
9 application for stay or extension of a stay is sufficient if it is
10 a signed, written statement, certified to be true under penalty of
11 perjury. The same conditions for the initial stay apply to
12 applications for an extension of a stay.

13 **(19) IN ORDER TO ENSURE AND MAINTAIN THE ESTABLISHED CUSTODIAL**
14 **ENVIRONMENT AND STABILITY FOR THE CHILD, THE PARENT ON DEPLOYMENT**
15 **MAY DESIGNATE A THIRD PARTY WHO RESIDES IN THAT PARENT'S HOME TO**
16 **EXERCISE THE DEPLOYED PARENT'S PARENTING TIME WHILE THAT PARENT IS**
17 **ON DEPLOYMENT UNLESS THE COURT DETERMINES THAT IT WOULD NOT BE IN**
18 **THE BEST INTERESTS OF THE CHILD.**

19 **(20)** ~~(17)~~—The parent shall inform the court of the deployment
20 end date before or within 30 days after that deployment end date.
21 Upon notification of a parent's deployment end date, the court
22 shall reinstate the parenting time order in effect immediately
23 preceding that period of deployment. If a motion for change of
24 parenting time is filed after a parent returns from deployment, the
25 court shall not consider a parent's absence due to that deployment
26 in making a determination regarding change of parenting time.
27 Future deployments shall not be considered in making a best

1 interest of the child determination.

2 (21) ~~(18)~~—If the deploying parent and the other parent share
3 custody, the deploying parent must notify the other parent of an
4 upcoming deployment within a reasonable period of time.

5 (22) ~~(19)~~—As used in this section, "offending parent" means a
6 parent who has been convicted of criminal sexual conduct as
7 described in subsection ~~(4)~~ **(8)** or who has been found by clear and
8 convincing evidence in a fact-finding hearing to have committed
9 acts of nonconsensual sexual penetration as described in subsection
10 ~~(4)~~ **(8)**.

11 Sec. 11. (1) A child whose parental custody is governed by
12 court order has, for the purposes of this section, a legal
13 residence with each parent. Except as otherwise provided in this
14 section, a parent of a child whose custody is governed by court
15 order shall not change a legal residence of the child to a location
16 that is more than ~~100~~ **80** miles from the child's legal residence **OR**
17 **SCHOOL** at the time. ~~of the commencement of the action in which the~~
18 ~~order is issued.~~ **IF THE COURT DETERMINES, FOR THE BENEFIT OF THE**
19 **CHILD, THAT THE DISTANCE OF 80 MILES IS TOO FAR AND WOULD**
20 **NEGATIVELY AFFECT THE CHILD'S ACCESS TO PARENTING TIME, PARENTAL**
21 **INVOLVEMENT IN THE CHILD'S SCHOOL, OR THE CHILD'S ABILITY TO ACCESS**
22 **HIS OR HER ROUTINE SUPPORT GROUPS AND EXTRACURRICULAR ACTIVITIES,**
23 **THE COURT SHALL STATE IN ITS RULING THE FINDINGS OF FACTS AND**
24 **CONCLUSIONS OF LAW THAT JUSTIFY ITS DECISION AND ORDER A SHORTER**
25 **DISTANCE THAT IS MORE APPROPRIATE. THE DISTANCE OF 80 MILES IS**
26 **DETERMINED AS MEASURED BY A VEHICLE'S ODOMETER UNLESS OTHERWISE**
27 **AGREED TO BY THE PARTIES.**

1 (2) A parent's change of a child's legal residence is not
2 restricted by subsection (1) if the other parent consents to, or if
3 the court, after complying with subsection (4), permits, the
4 residence change. This section does not apply if the order
5 governing the child's custody grants sole legal custody to 1 of the
6 child's parents.

7 (3) **IF THE COURT HAS ORDERED JOINT LEGAL CUSTODY, THE CHILD**
8 **WHOSE PARENTAL CUSTODY IS GOVERNED BY COURT ORDER HAS A LEGAL**
9 **RESIDENCE WITH EACH PARENT.** This section does not apply if, at the
10 time of the commencement of the action in which the custody order
11 is issued, the child's 2 residences were more than ~~100~~**80** miles
12 apart. This section does not apply if the legal residence change
13 results in the child's 2 legal residences being closer to each
14 other than before the change.

15 (4) Before permitting a legal residence change otherwise
16 restricted by subsection (1), ~~the court shall consider each of the~~
17 ~~following factors, with the child as the primary focus in the~~
18 ~~court's deliberations:~~ **THE PARENT REQUESTING THE CHANGE MUST SHOW BY**
19 **A PREPONDERANCE OF THE EVIDENCE AND THE COURT SHALL CONSIDER AND**
20 **EVALUATE ALL OF THE FOLLOWING FACTORS:**

21 (a) Whether the legal residence change has the capacity to
22 improve the quality of life for both the child and the relocating
23 parent.

24 (b) The degree to which each parent has complied with, and
25 utilized his or her time under, a court order governing parenting
26 time with the child, and whether the **MOVING** parent's plan to change
27 the child's legal residence is inspired by that parent's desire to

1 defeat or frustrate the parenting time schedule.

2 (c) ~~The degree to which the court is satisfied that, if the~~
3 ~~court permits the legal residence change, it is possible to order a~~
4 ~~modification of the parenting time schedule and other arrangements~~
5 ~~governing the child's schedule in a manner that can provide an~~
6 ~~adequate basis for preserving and fostering the parental~~
7 ~~relationship between the child and each parent; and whether each~~
8 ~~parent is likely to comply with the modification.~~ **IF THE COURT**
9 **GRANTS THE LEGAL RESIDENCE CHANGE, THE POSSIBILITY OF CREATING A**
10 **PARENTING TIME SCHEDULE AND THE LIKELIHOOD THAT EACH PARENT WILL**
11 **COMPLY.**

12 (d) The extent to which the parent opposing the legal
13 residence change is motivated by a desire to secure a financial
14 advantage with respect to a support obligation.

15 (e) Domestic violence, regardless of whether the violence was
16 directed against or witnessed by the child.

17 **(5) IF, AFTER CONSIDERING AND EVALUATING THE FACTORS**
18 **ENUMERATED IN SUBSECTION (4), THE COURT DETERMINES THAT THE FACTORS**
19 **SUPPORT A CHANGE IN LEGAL RESIDENCE AND THE PRESUMPTION OF AN**
20 **ESTABLISHED CUSTODIAL ENVIRONMENT HAS NOT BEEN PRESUMED UNDER**
21 **SECTION 6A, THE COURT SHALL MAKE A DETERMINATION WHETHER AN**
22 **ESTABLISHED CUSTODIAL ENVIRONMENT EXISTS.**

23 **(6) IF AN ESTABLISHED CUSTODIAL ENVIRONMENT EXISTS, THE COURT**
24 **SHALL THEN DETERMINE WHETHER THE CHANGE OF DOMICILE WOULD MODIFY OR**
25 **ALTER THAT ESTABLISHED CUSTODIAL ENVIRONMENT.**

26 **(7) IF THE COURT DETERMINES THAT A CHANGE OF THE CHILD'S LEGAL**
27 **RESIDENCE WOULD MODIFY OR ALTER THE CHILD'S ESTABLISHED CUSTODIAL**

1 ENVIRONMENT, THE COURT SHALL DETERMINE WHETHER THE CHANGE IN THE
2 CHILD'S LEGAL RESIDENCE WOULD BE IN THE CHILD'S BEST INTERESTS.

3 (8) ~~(5)~~—Each order determining or modifying custody or
4 parenting time of a child ~~shall~~ **MAY** include a provision stating the
5 parent's agreement as to how a change in either of the child's
6 legal residences will be handled. If ~~such a~~ **THAT** provision is
7 included in the order and a child's legal residence change is done
8 in compliance with that provision, this section does not apply. If
9 the parents do not agree on ~~such a~~ **THAT** provision, the court shall
10 include in the order the following provision: "A parent whose
11 custody or parenting time of a child is governed by this order
12 shall not change the legal residence of the child except in
13 compliance with section 11 of the ~~"Child Custody Act of 1970",~~
14 **"MICHIGAN SHARED PARENTING ACT"**, 1970 PA 91, MCL 722.31."

15 (9) ~~(6)~~—If this section applies to a change of a child's legal
16 residence and the parent seeking to change that legal residence
17 needs to seek a safe location from the threat of domestic violence,
18 the parent may move to ~~such a~~ **SAFE** location with the child until
19 the court makes a determination under this section.

20 (10) **THE COURT SHALL STATE IN ITS RULING ON A PARENT'S MOTION**
21 **TO CHANGE LEGAL RESIDENCY OF A CHILD ITS FINDINGS OF FACTS AND**
22 **CONCLUSIONS OF LAW THAT JUSTIFY ITS DECISION.**

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