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BILL



ANALYSIS

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Senate Bill 805 (as introduced 1-11-96)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

Date Completed: 1-17-96

CONTENT

The bill would amend the Child Custody Act to allow a child to bring, and require the court to grant, a motion to intervene as a party in a proceeding concerning a determination or modification of his or her own custody, support, or visitation. The bill specifies that if a child requested appointment of counsel or counsel petitioned to represent the child, the court would have to presume that appointment of counsel was in the best interests of the child, and would have to appoint counsel, unless it found for good cause on the record that counsel should not be appointed.

The bill would prohibit the court from modifying or amending its previous judgments or orders or issuing a new order to change the established custodial environment of a child unless there were presented clear and convincing evidence at a hearing, and the court found on the record, that it was in the best interests of the child. Currently, the Act requires only that there be presented clear and convincing evidence that the change is in the child's best interests.

The bill also would require parties to support orders to inform the Office of the Friend of the Court of the name of the insurer, health care corporation, health maintenance organization, or other group plan or entity that provided health care coverage to a party or made it available to a party. Currently, a party must provide to the Office the name of the insurance company, the health care organization, or the health maintenance organization.

MCL 722.24 & 722.27

Legislative Analyst: L. Burghardt

FISCAL IMPACT

It is indeterminate as to the number of children who could bring a motion before the court or request counsel concerning a determination or modification of their own custody, support, or visitation.

Since the bill includes no age limit or disincentive to bring a motion, it is possible that the courts could see a significant increase in child custody filings. Should counsel be granted for each child who requested it, the funding unit would incur additional costs averaging approximately \$850 per case.

Fiscal Analyst: M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.