



SENATE BILL No. 805

January 10, 1996, Introduced by Senator GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 4 and 7 of Act No. 91 of the Public Acts of 1970, entitled as amended

"Child custody act of 1970,"

section 7 as amended by Act No. 293 of the Public Acts of 1990, being sections 722.24 and 722.27 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4 and 7 of Act No. 91 of the Public
2 Acts of 1970, section 7 as amended by Act No. 293 of the Public
3 Acts of 1990, being sections 722.24 and 722.27 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 4. (1) In ~~all actions now pending or hereafter~~ AN
6 ACTION filed in a circuit court involving dispute of custody of a
7 minor child, the court shall declare the inherent rights of the
8 child and establish the rights and duties as to custody, support,
9 and visitation of the child in accordance with this act.

1 (2) A CHILD MAY BRING, AND THE COURT SHALL GRANT, A MOTION
2 TO INTERVENE AS A PARTY IN A PROCEEDING CONCERNING A DETERMINA-
3 TION OR MODIFICATION OF HIS OR HER OWN CUSTODY, SUPPORT, OR
4 VISITATION.

5 Sec. 7. (1) If a child custody dispute ~~has been~~ IS sub-
6 mitted to the circuit court as an original action under this act
7 or ~~has arisen~~ ARISES incidentally from another action in the
8 circuit court or an order or judgment of the circuit court, for
9 the best interests of the child, the court may:

10 (a) Award the custody of the child to 1 or more of the par-
11 ties involved or to others, and provide for payment of support
12 for the child ~~—~~ until the child reaches 18 years of age.
13 Subject to section 4a, the court may also order support as pro-
14 vided in this section for a child after he or she reaches
15 18 years of age. The court may require ~~that~~ support payments
16 ~~shall~~ TO be made through the friend of the court or clerk of
17 the court.

18 (b) Provide for reasonable visitation of the child by the
19 parties involved, the maternal or paternal grandparents, or by
20 others, by general or specific terms and conditions. Visitation
21 of the child by the parents ~~shall be~~ IS governed by
22 section 7a.

23 (c) Modify or amend its previous judgments or orders for
24 proper cause shown or because of change of circumstances until
25 the child reaches 18 years of age ~~—~~ and, subject to section 4a,
26 until the child reaches 19 years and 6 months of age. The court
27 shall not modify or amend its previous judgments or orders or

1 issue a new order so as to change the established custodial
2 environment of a child unless there is presented AT A HEARING
3 clear and convincing evidence, AND THE COURT FINDS ON THE RECORD,
4 that it is in the best ~~interest~~ INTERESTS of the child. The
5 custodial environment of a child is established if over an appre-
6 ciable time the child naturally looks to the custodian in that
7 environment for guidance, discipline, the necessities of life,
8 and parental comfort. The COURT SHALL ALSO CONSIDER THE age of
9 the child, the physical environment, and the inclination of the
10 custodian and the child as to permanency of the relationship.
11 ~~shall also be considered.~~

12 (d) Utilize the community resources in behavioral sciences
13 and other professions in the investigation and study of custody
14 disputes and consider their recommendations for the resolution of
15 the disputes.

16 (e) Appoint a guardian ad litem or counsel for the child and
17 assess the costs and reasonable fees against 1 or more parties
18 involved, totally or partially. IF A CHILD REQUESTS APPOINTMENT
19 OF COUNSEL OR COUNSEL PETITIONS TO REPRESENT THE CHILD, THE COURT
20 SHALL PRESUME APPOINTMENT OF COUNSEL IS IN THE BEST INTERESTS OF
21 THE CHILD AND SHALL APPOINT COUNSEL, UNLESS THE COURT FINDS FOR
22 GOOD CAUSE ON THE RECORD THAT COUNSEL SHOULD NOT BE APPOINTED.

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

25 (g) Upon petition consider the reasonable visitation of
26 maternal or paternal grandparents and, if denied, make a record
27 of ~~such~~ THE denial.

1 (2) Except as otherwise provided in this section, the court
2 shall order support in an amount determined by application of the
3 child support formula developed by the state friend of the court
4 bureau. The court may enter an order that deviates from the for-
5 mula if the court determines from the facts of the case that
6 application of the child support formula would be unjust or inap-
7 propriate and sets forth in writing or on the record all of the
8 following:

9 (a) The support amount determined by application of the
10 child support formula.

11 (b) How the support order deviates from the child support
12 formula.

13 (c) The value of property or other support awarded in lieu
14 of the payment of child support, if applicable.

15 (d) The reasons why application of the child support formula
16 would be unjust or inappropriate in the case.

17 (3) Subsection (2) does not prohibit the court from entering
18 a support order that is agreed to by the parties and that devi-
19 ates from the child support formula, if the requirements of sub-
20 section (2) are met.

21 (4) Beginning January 1, 1991, each support order entered,
22 modified, or amended by the court shall provide that each party
23 shall keep the office of the friend of the court informed of both
24 of the following:

25 (a) The name and address of his or her current source of
26 income. As used in this subdivision, "source of income" means
27 that term as defined in section 2 of the support and visitation

1 enforcement act, Act No. 295 of the Public Acts of 1982, being
2 section 552.602 of the Michigan Compiled Laws.

3 (b) ~~Any health~~ HEALTH care coverage that is available to
4 him or her as a benefit of employment or that is maintained by
5 him or her; the name of the ~~insurance company~~ INSURER, health
6 care ~~organization~~ CORPORATION, ~~or~~ health maintenance
7 organization, OR OTHER GROUP PLAN OR ENTITY THAT PROVIDES HEALTH
8 CARE COVERAGE; the policy, certificate, or contract number; and
9 the names and birth dates of the persons for whose benefit he or
10 she maintains health care coverage under the policy, certificate,
11 or contract.

12 (5) For the purposes of this act, "support" may include pay-
13 ment of the expenses of medical, dental, and other health care,
14 child care expenses, and educational expenses. The court shall
15 require that 1 or both parents of a child who is the subject of a
16 petition under this section ~~shall~~ obtain or maintain ~~any~~
17 health care coverage that is available to them at a reasonable
18 cost, as a benefit of employment, for the benefit of the child.
19 If a parent is self-employed and maintains health care coverage,
20 the court shall require the parent to obtain or maintain depen-
21 dent coverage for the benefit of the child, if available at a
22 reasonable cost.

23 (6) A judgment or order entered under this act providing for
24 the support of a child is enforceable as provided in the support
25 and visitation enforcement act, Act No. 295 of the Public Acts of
26 1982, being sections 552.601 to 552.650 of the Michigan Compiled
27 Laws.