



**House
Legislative
Analysis
Section**

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DOMESTIC VIOLENCE: CUSTODY

House Bill 4844
Sponsor: Rep. David M. Gubow
Committee: Judiciary

Complete to 1-23-92

A SUMMARY OF HOUSE BILL 4844 AS INTRODUCED 5-20-91

The bill would amend the Child Custody Act to create a presumption against granting custody of a child to a person who had a history of domestic violence. Specifically, the bill would create a rebuttable presumption of harm to the child and detriment to the relationship between the child and the perpetrator of the acts of domestic violence.

The act directs the circuit court to make custody decisions based on the "best interests of the child", which requires the court to consider various factors enumerated by the act. The bill would include among the factors the history of domestic violence by any of the parties involved.

(Note: at least one other statute, the Surrogate Parenting Act, refers to the Child Custody Act's definition of "best interests of the child" in its use of that phrase. The phrase occurs without definition in various other statutes, notably in the juvenile code's provisions on permanency planning, in the child care organization act's provisions on placing a child in an adult foster care facility, and in the Support and Visitation Enforcement Act's provisions on income withholding orders and modification of visitation orders.)

MCL 722.23

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