



**House
Legislative
Analysis
Section**

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BEST INTERESTS OF THE CHILD: ADDITIONAL FACTORS

House Bills 4669 and 4670

Sponsor: Rep. James Ryan

Committee: Judiciary and Civil Rights

Complete to 1-18-96

A SUMMARY OF HOUSE BILLS 4669 AND 4670 AS INTRODUCED 3-28-95

House Bill 4669 would amend the Child Custody Act (MCL 722.23). Currently, the act sets forth twelve factors which are to be evaluated by the court to determine the "best interests of the child" when making a child custody decision. Under current law one of the factors for consideration is the "moral fitness of the parties involved." Moral fitness is not defined in the act, but the bill would add language indicating that consideration of a party's moral fitness would include consideration of evidence of a party's prior criminal convictions as well his or her abuse of alcohol or controlled substances.

The bill would define alcohol abuse as frequent and routine consumption of alcohol to the point of intoxication. Controlled substance abuse would be defined as either the frequent and routine consumption of a controlled substance (as defined in the Public Health Code) in amounts which exceed the dosage recommended by the prescriber, or recent use of a controlled substance for which the user had no prescription or for which no prescription is available.

Similarly, House Bill 4670 would amend the Michigan Adoption Code (MCL 710.22) to add to the factors the court would be expected to examine in determining the "best interests of the adoptee" or "best interests of the child" in deciding on permanent placement of the adoptee. The bill would require similar consideration of evidence of a prospective adoptive parent's or putative father's prior criminal record, and alcohol or controlled substance abuse, using identical language as House Bill 4669 when determining the moral fitness of the party in question.

House Bill 4670 would also amend juvenile code (MCL 712A.13a, 712A.18f, and 712A.19b) so that the same criteria would be used in three other situations: a) when the court must determine where to place a child when the court has found probable cause to believe that the child's parent, guardian, custodian, or other person residing in the same home as the child had physically or sexually abused the child; b) when determining the disposition of a child who has been removed from his or her home; and c) when deciding whether to terminate the parental rights of a child's parent.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.