



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 595 (Substitute S-2 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Child Custody Act to provide that, in a custody dispute between parents, the court would have to presume that joint custody should be ordered, and the parents would have to be advised of the presumption of joint custody. The court would have to state on the record the reasons for granting or denying joint custody. The court would have to order joint custody unless it determined on the record that joint custody was not in the best interest of the child. If the court awarded joint custody, it would have to include in its award a statement regarding when the child would have to reside with each parent. If, however, the parents agreed to custody other than joint custody, the presumption of joint custody would not apply, and the court would have to order custody as provided in the agreement, unless it determined on the record, based on clear and convincing evidence, that custody as specified in the agreement would not be in the best interests of the child.

The bill also specifies that if the parents involved in the custody determination had an agreed upon parenting schedule, the court would have to order parenting time as provided in the agreement unless it determined on the record, based on clear and convincing evidence, that the agreement was not in the best interests of the child.

Currently, "joint custody" means a court order in which "1 or both" of the following are specified: (a) that the child shall reside alternately for specific periods with each of the parents, (b) that the parents shall share decision-making authority as to important decisions affecting the child's welfare. Under the bill, "joint custody" would mean a court order in which *both* of those were specified.

The bill would replace current provisions that require the parents in a custody dispute to be advised of joint custody; require the court, at the request of either party, to consider an award of joint custody, and state on the record the reasons for granting or denying a request; permit the court to consider joint custody in all other cases; permit the court to include in its award a statement regarding when a child must reside with each parent or to provide that physical custody be shared by the parents; and require the court to determine whether joint custody is in the best interests of the child.

MCL 722.26a

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-12-96

Fiscal Analyst: M. Bain

floor\595

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.