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**BILL ANALYSIS**



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House Bill 5636 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Representative James Ryan

House Committee: Judiciary and Civil Rights

Senate Committee: Families, Mental Health and Human Services

### **CONTENT**

The bill would amend the Child Custody Act to provide for parenting plans in child custody cases and create a presumption of shared parental responsibility. "Shared parental responsibility" would mean an order of the court that specified that the parents would have to share decision-making authority and responsibility as to the important decisions affecting the child's welfare and the child would have to reside with each parent for specified periods of time. The bill states that this could not be construed as requiring that the child reside with each parent for an equal or nearly equal amount of time during any given time period.

The bill would allow parents involved in an action under the Act to submit to the court a proposed parenting plan which would have to include provisions regarding, at least, the child's residence, religious affiliation, medical care, and education, including postsecondary education, as well as the decision-making authority of each parent and proposed alternative dispute resolution mechanisms. The bill would delete current provisions concerning joint custody and, instead, create a presumption of shared parental responsibility. The court would have to order shared parental responsibility unless it determined on the record that shared parental responsibility was not in the best interests of the child. If the parents agreed to a parenting plan other than shared parental responsibility, however, the presumption would not apply, and the court would have to order the parenting plan as provided in the agreement unless it determined on the record, based on clear and convincing evidence, that the parenting plan was not in the best interests of the child. If the court awarded shared parental responsibility, it would have to include in its award a statement regarding when the child would have to reside with each parent. The provisions concerning shared parental responsibility would not prohibit the court from awarding joint legal custody that ordered the parents to share decision-making authority and responsibility as to the important decisions affecting the child's welfare, without an award of shared parental responsibility.

The bill is tie-barred to House Bills 5629-5634, which would amend various acts to consolidate provisions concerning child support in the Support and Parenting Time Enforcement Act.

MCL 722.23 et al.

Legislative Analyst: L. Burghardt

### **FISCAL IMPACT**

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

Date Completed: 12-4-96

Fiscal Analyst: M. Ortiz

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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.