



HOUSE BILL No. 4669

March 28, 1995, Introduced by Reps. Ryan, Bush, Perricone, Hammerstrom, Whyman, Brewer, Dalman, Jellema, Byl, McBryde, Voorhees, Hill, Jaye, Geiger and DeMars and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 3 of Act No. 91 of the Public Acts of 1970, entitled as amended "Child custody act of 1970," as amended by Act No. 259 of the Public Acts of 1993, being section 722.23 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 91 of the Public Acts of
2 1970, as amended by Act No. 259 of the Public Acts of 1993, being
3 section 722.23 the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 3. As used in this act, "best interests of the child"
6 means the sum total of the following factors to be considered,
7 evaluated, and determined by the court:

8 (a) The love, affection, and other emotional ties existing
9 between the parties involved and the child.

1 (b) The capacity and disposition of the parties involved to
2 give the child love, affection, and guidance and to continue the
3 education and raising of the child in his or her religion or
4 creed, if any.

5 (c) The capacity and disposition of the parties involved to
6 provide the child with food, clothing, medical care or other
7 remedial care recognized and permitted under the laws of this
8 state in place of medical care, and other material needs.

9 (d) The length of time the child has lived in a stable, sat-
10 isfactory environment, and the desirability of maintaining
11 continuity.

12 (e) The permanence, as a family unit, of the existing or
13 proposed custodial home or homes.

14 (f) The moral fitness of the parties involved, INCLUDING,
15 BUT NOT LIMITED TO, EVIDENCE OF A CRIMINAL CONVICTION, ALCOHOL
16 ABUSE, OR CONTROLLED SUBSTANCE ABUSE. AS USED IN THIS
17 SUBDIVISION:

18 (i) "ALCOHOL ABUSE" MEANS THE FREQUENT AND ROUTINE CONSUMP-
19 TION OF ALCOHOLIC BEVERAGES TO THE POINT OF INTOXICATION.

20 (ii) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
21 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 268 OF THE PUBLIC
22 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
23 LAWS.

24 (iii) "CONTROLLED SUBSTANCE ABUSE" MEANS EITHER THE FREQUENT
25 AND ROUTINE CONSUMPTION OF A CONTROLLED SUBSTANCE IN AN AMOUNT
26 EXCEEDING THE DOSAGE RECOMMENDED BY THE PRESCRIBER OR
27 THE RECENT CONSUMPTION OF A CONTROLLED SUBSTANCE FOR WHICH THE

1 USER HAD NO PRESCRIPTION OR FOR WHICH NO PRESCRIPTION IS
2 AVAILABLE.

3 (g) The mental and physical health of the parties involved.

4 (h) The home, school, and community record of the child.

5 (i) The reasonable preference of the child, if the court
6 considers the child to be of sufficient age to express
7 preference.

8 (j) The willingness and ability of each of the parties to
9 facilitate and encourage a close and continuing parent-child
10 relationship between the child and the other parent or the child
11 and the parents.

12 (k) Domestic violence, regardless of whether the violence
13 was directed against or witnessed by the child.

14 (l) Any other factor considered by the court to be relevant
15 to a particular child custody dispute.

16 Section 2. This amendatory act shall take effect
17 September 1, 1995.