



SENATE BILL No. 595

June 15, 1995, Introduced by Senators GOUGEON, GEAKE, HOFFMAN, SHUGARS, STILLE and PETERS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend section 6a of Act No. 91 of the Public Acts of 1970, entitled as amended "Child custody act of 1970," as added by Act No. 434 of the Public Acts of 1980, being section 722.26a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6a of Act No. 91 of the Public Acts of
2 1970, as added by Act No. 434 of the Public Acts of 1980, being
3 section 722.26a of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 6a. (1) In custody disputes between parents, the par-
6 ents shall be advised of joint custody. At the request of either
7 parent, the court shall consider an award of joint custody, and
8 shall state on the record the reasons for granting or denying a
9 request. In other cases joint custody may be considered by the

1 court. The court shall determine whether joint custody is in the
2 best interest of the child by considering the following factors:

3 (a) The factors enumerated in section 3.

4 (b) Whether the parents will be able to cooperate and gener-
5 ally agree concerning important decisions affecting the welfare
6 of the child.

7 (C) THERE IS NOT A PRESUMPTION AGAINST JOINT CUSTODY.

8 (2) If the parents agree on joint custody, the court shall
9 award joint custody unless the court determines on the record,
10 based upon clear and convincing evidence, that joint custody is
11 not in the best interests of the child.

12 (3) If the court awards joint custody, the court may include
13 in its award a statement regarding when the child shall reside
14 with each parent, or may provide that physical custody be shared
15 by the parents in a manner to assure the child continuing contact
16 with both parents.

17 (4) During the time a child resides with a parent, that
18 parent shall decide all routine matters concerning the child.

19 (5) If there is a dispute regarding residency, the court
20 shall state the basis for a residency award on the record or in
21 writing.

22 (6) Joint custody ~~shall~~ DOES not eliminate the responsi-
23 bility for child support. Each parent ~~shall be~~ IS responsible
24 for child support based on the needs of the child and the actual
25 resources of each parent. If a parent would otherwise be unable
26 to maintain adequate housing for the child and the other parent
27 has sufficient resources, the court may order modified support

1 payments for a portion of housing expenses even during a period
2 when the child is not residing in the home of the parent receiv-
3 ing support. An order of joint custody, in and of itself,
4 ~~shall~~ DOES not constitute grounds for modifying a support
5 order.

6 (7) As used in this section, "joint custody" means an order
7 of the court in which 1 or both of the following is specified:

8 (a) That the child shall reside alternately for specific
9 periods with each of the parents.

10 (b) That the parents shall share decision-making authority
11 as to the important decisions affecting the welfare of the
12 child.