

SUBSTITUTE FOR
SENATE BILL NO. 1244
(As amended June 6, 2000)

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
(MCL 722.21 to 722.30) by adding section 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 11. (1) A CHILD WHOSE PARENTAL CUSTODY IS GOVERNED BY
2 COURT ORDER HAS A LEGAL RESIDENCE WITH EACH PARENT. EXCEPT AS
3 OTHERWISE PROVIDED IN THIS SECTION, A PARENT OF A CHILD WHOSE
4 CUSTODY IS GOVERNED BY COURT ORDER SHALL NOT CHANGE A LEGAL RESI-
5 DENCE OF THE CHILD TO A LOCATION THAT IS MORE THAN 100 MILES FROM
6 THE CHILD'S LEGAL RESIDENCE AT THE TIME OF THE COMMENCEMENT OF
7 THE ACTION IN WHICH THE ORDER IS ISSUED.
- 8 (2) A PARENT'S CHANGE OF A CHILD'S LEGAL RESIDENCE IS NOT
9 RESTRICTED BY SUBSECTION (1) IF THE OTHER PARENT CONSENTS TO, OR
10 IF THE COURT, AFTER COMPLYING WITH SUBSECTION (3), PERMITS, THE
11 RESIDENCE CHANGE. THIS SECTION DOES NOT APPLY IF THE ORDER
GOVERNING THE CHILD'S CUSTODY GRANTS SOLE LEGAL CUSTODY TO 1 OF THE
CHILD'S PARENTS.
- (3) THIS SECTION DOES NOT APPLY IF, AT THE TIME OF

1 THE COMMENCEMENT OF THE ACTION IN WHICH THE CUSTODY ORDER IS
2 ISSUED, THE CHILD'S 2 LEGAL RESIDENCES WERE MORE THAN 100 MILES
3 APART. THIS SECTION DOES NOT APPLY IF THE RESIDENCE CHANGE
4 RESULTS IN THE CHILD'S 2 LEGAL RESIDENCES BEING CLOSER TO EACH
5 OTHER THAN BEFORE THE CHANGE.

6 (4) BEFORE PERMITTING A RESIDENCE CHANGE OTHERWISE
7 RESTRICTED BY SUBSECTION (1), THE COURT SHALL CONSIDER EACH OF
8 THE FOLLOWING FACTORS, WITH THE CHILD AS THE PRIMARY FOCUS IN THE
9 COURT'S DELIBERATIONS:

10 (A) WHETHER THE RESIDENCE CHANGE HAS THE CAPACITY TO IMPROVE
11 THE QUALITY OF LIFE FOR BOTH THE CHILD AND THE RELOCATING
12 PARENT.

13 (B) THE DEGREE TO WHICH EACH PARENT HAS COMPLIED WITH, AND
14 UTILIZED HIS OR HER TIME UNDER, A COURT ORDER GOVERNING PARENTING
15 TIME WITH THE CHILD, AND WHETHER THE PARENT'S PLAN TO CHANGE THE
16 CHILD'S RESIDENCE IS INSPIRED BY THAT PARENT'S DESIRE TO DEFEAT
17 OR FRUSTRATE THE PARENTING TIME SCHEDULE.

18 (C) THE DEGREE TO WHICH THE COURT IS SATISFIED THAT, IF THE
19 COURT PERMITS THE RESIDENCE CHANGE, IT IS POSSIBLE TO ORDER A
20 MODIFICATION OF THE PARENTING TIME SCHEDULE AND OTHER ARRANGE-
21 MENTS GOVERNING THE CHILD'S RESIDENCE IN A MANNER THAT CAN PRO-
22 VIDE AN ADEQUATE BASIS FOR PRESERVING AND FOSTERING THE PARENTAL
23 RELATIONSHIP BETWEEN THE CHILD AND EACH PARENT; AND WHETHER EACH
24 PARENT IS LIKELY TO COMPLY WITH THE MODIFICATION.

25 (D) THE EXTENT TO WHICH THE PARENT OPPOSING THE RESIDENCE
26 CHANGE IS MOTIVATED BY A DESIRE TO SECURE A FINANCIAL ADVANTAGE
27 WITH RESPECT TO A SUPPORT OBLIGATION.

SB 1244, As Passed Senate, June 7, 2000

Senate Bill No. 1244 as amended June 6, 2000

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1 (E) DOMESTIC VIOLENCE, REGARDLESS OF WHETHER THE VIOLENCE
2 WAS DIRECTED AGAINST OR WITNESSED BY THE CHILD.

3 (5) EACH ORDER DETERMINING OR MODIFYING CUSTODY OR PARENTING
4 TIME OF A CHILD SHALL INCLUDE A PROVISION STATING THE PARENT'S
5 AGREEMENT AS TO HOW A CHANGE IN EITHER OF THE CHILD'S LEGAL RESI-
6 DENCES WILL BE HANDLED. IF SUCH A PROVISION IS INCLUDED IN THE
7 ORDER AND A CHILD'S RESIDENCE CHANGE IS DONE IN COMPLIANCE WITH
8 THAT PROVISION, THIS SECTION DOES NOT APPLY. IF THE PARENTS DO
9 NOT AGREE ON SUCH A PROVISION, THE COURT SHALL INCLUDE IN THE
10 ORDER THE FOLLOWING PROVISION: "A PARENT WHOSE CUSTODY OR PAR-
11 ENTING TIME OF A CHILD IS GOVERNED BY THIS ORDER SHALL NOT CHANGE
12 THE LEGAL RESIDENCE OF THE CHILD EXCEPT IN COMPLIANCE WITH
13 SECTION 11 OF THE "CHILD CUSTODY ACT OF 1970", 1970 PA 91, MCL
14 722.31."