



HOUSE BILL No. 6060

October 3, 2000, Introduced by Reps. Garcia, Pappageorge, Mortimer and Ehardt and referred to the Committee on Family and Civil Law.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending section 6a (MCL 722.26a), as added by 1980 PA 434.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6a. (1) IN A CUSTODY DISPUTE BETWEEN PARENTS, UNLESS
2 THERE IS SHOWN TO BE A HISTORY OF ABUSE OR NEGLECT BY EITHER OF
3 THE PARENTS, THE COURT SHALL ORDER JOINT CUSTODY.

4 (2) In A custody ~~disputes~~ DISPUTE between parents, IF SUB-
5 SECTION (1) DOES NOT APPLY, the parents shall be advised of joint
6 custody. At the request of either parent, the court shall con-
7 sider an award of joint custody, and shall state on the record
8 the reasons for granting or denying a request. In other cases
9 joint custody may be considered by the court. The court shall
10 determine whether joint custody is in the best interest of the
11 child by considering the following factors:

1 (a) The factors enumerated in section 3.

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

5 (3) ~~-(2)-~~ If the parents agree on joint custody, the court
6 shall award joint custody unless the court determines on the
7 record, based upon clear and convincing evidence, that joint cus-
8 tody is not in the best interests of the child.

9 (4) ~~-(3)-~~ If the court awards joint custody, the court may
10 include in its award a statement regarding when the child shall
11 reside with each parent, or may provide that physical custody be
12 shared by the parents in a manner to assure the child continuing
13 contact with both parents.

14 (5) ~~-(4)-~~ During the time a child resides with a parent,
15 that parent shall decide all routine matters concerning the
16 child.

17 (6) ~~-(5)-~~ If there is a dispute regarding residency, the
18 court shall state the basis for a residency award on the record
19 or in writing.

20 (7) ~~-(6)-~~ Joint custody ~~shall~~ DOES not eliminate the
21 responsibility for child support. Each parent ~~shall be~~ IS
22 responsible for child support based on the needs of the child and
23 the actual resources of each parent. If a parent would otherwise
24 be unable to maintain adequate housing for the child and the
25 other parent has sufficient resources, the court may order modi-
26 fied support payments for a portion of housing expenses even
27 during a period when the child is not residing in the home of the

1 parent receiving support. An order of joint custody, in and of
2 itself, ~~shall~~ DOES not constitute grounds for modifying a sup-
3 port order.

4 (8) ~~-(7)-~~ As used in this section, "joint custody" means an
5 order of the court in which 1 or both of the following is
6 specified:

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

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