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Senate Bill 727 (Substitute S-2 as reported)
Sponsor: Senator Alan Sanborn
Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would amend the Child Custody Act to allow a child's grandparent to file a complaint or motion for a grandparenting time order in the following situations:

- The child's parents were divorced or separated, or their marriage was annulled.
- The child's parent (who was the child of the grandparent) had died.
- The child's parents were never married but paternity had been established under the Acknowledgment of Parentage Act or the Paternity Act, or by a court determination.

The bill also would:

- Create a rebuttable presumption that a fit parent's actions and decisions regarding grandparenting time were in the child's best interests.
- Place the burden on a grandparent to prove by clear and convincing evidence that grandparenting time was in the child's best interests.
- Require the court to give deference to a fit parent's position.
- Allow the court to refer a complaint or motion to the Friend of the Court for mediation.

A court would have to consider the following factors in determining a child's best interests:

- The love, affection, and other emotional ties existing between the grandparent and the child.
- The length and quality of the prior relationship between the child and the grandparent, and the role performed by the grandparent
- The grandparent's moral fitness, and mental and physical health.
- The child's reasonable preference, if he or she were old enough to express a preference.
- The effect on the child of hostility between his or her parent and the grandparent.
- The grandparent's willingness, except in the case of abuse or neglect, to encourage a close relationship between the child and his or her parent or parents.
- Any history of abuse or neglect of the child by the grandparent.
- Whether the child would be harmed by granting or denying grandparenting time.
- Any other factor relevant to the child's physical and psychological well-being.

MCL 722.22 & 722.27b

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local units of government. The bill could increase local court costs to the extent that it would reenact provisions allowing a grandparent to seek a grandparenting time order. To the extent that the complaints or motions for grandparenting time were successfully mediated by the Friend of the Court, the bill would potentially decrease local court costs.

Date Completed: 12-11-08

Fiscal Analyst: Bethany Wicksall