SENATE SUBSTITUTE FOR HOUSE BILL NO. 5471

(As amended, September 28, 2004)

A bill to amend 1970 PA 91, entitled "Child custody act of 1970,"

by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) In all actions an action involving dispute of
- 2 a minor child's custody, the court shall declare the child's
- 3 inherent rights and establish the rights and duties as to the
- 4 child's custody, support, and parenting time under court order or
- 5 a court-approved parenting plan in accordance with this act.
- 6 (2) If a parenting plan has been filed with and approved by a
- 7 court according to section 7a, the court shall declare that plan
- 8 << >> as establishing the rights and
- 9 duties as to the child's custody, support, and parenting time
- 10 under subsection (1), unless the court determines on the record
- 11 by clear and convincing evidence that the plan is not in the

- 1 child's best interests.
- 2 (3) -(2) If, at any time in the proceeding, the court
- 3 determines that the child's best interests are inadequately
- 4 represented, the court may appoint a lawyer-guardian ad litem to
- 5 represent the child. A lawyer-quardian ad litem represents the
- 6 child and has powers and duties in relation to that
- 7 representation as set forth in section 17d of chapter XIIA of the
- 8 probate code of 1939, 1939 PA 288, MCL 712A.17d. All provisions
- 9 of section 17d of chapter XIIA of the probate code of 1939, 1939
- 10 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem
- 11 appointed under this act.
- 12 (4) -(3) In a proceeding in which a lawyer-guardian ad litem
- 13 represents a child, he or she may file a written report and
- 14 recommendation. The court may read the report and
- 15 recommendation. The court shall not -, however, admit the
- 16 report and recommendation into evidence unless all parties
- 17 stipulate the admission. The parties may make use of the report
- 18 and recommendation for purposes of a settlement conference.
- 19 (5) -(4) After a determination of ability to pay, the court
- 20 may assess all or part of the costs and reasonable fees of the
- 21 lawyer-guardian ad litem against 1 or more of the parties
- 22 involved in the proceedings or against the money allocated from
- 23 marriage license fees for family counseling services under
- 24 section 3 of 1887 PA 128, MCL 551.103. A lawyer-guardian ad
- 25 litem appointed under this section shall not be paid a fee unless
- 26 the court first receives and approves the fee.
- 27 Enacting section 1. This amendatory act takes effect

House Bill No. 5471 (S-2) as amended December 9, 2004

- 1 October 1, [2005].
- 2 Enacting section 2. This amendatory act does not take
- 3 effect unless [all of the following bills of the 92nd Legislature are
- 4 enacted into law:
 - (a) House Bill No. 5467.
 - (b) House Bill No. 5468.
 - (c) House Bill No. 5469.
 - (d) House Bill No. 5470.
 - (e) House Bill No. 5473.
 - (f) House Bill No. 5474.
 - (g) Senate Bill No. 959.
 - (h) Senate Bill No. 961.
 - (i) Senate Bill No. 963.(j) Senate Bill No. 964.
 - (k) Senate Bill No. 966.]