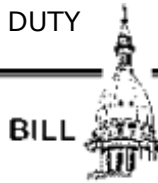




Senate Fiscal Agency
P. O. Box 30036
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**BILL ANALYSIS**

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House Bill 5100 (Substitute H-2 as passed by the House)
Sponsor: Representative Rick Jones
House Committee: Family and Children Services
Senate Committee: Judiciary

Date Completed: 11-1-05

CONTENT

The bill would amend the Child Custody Act to specify that, if a motion for change of a child's custody were filed during the time a parent was in "active military duty", the court could not enter an order modifying or amending a previous judgment or order, or issue a new order, that changed the child's placement that existed on the date the parent was called to active military duty, unless there was clear and convincing evidence that it was in the best interest of the child. In making this determination of the best interest of the child, the court could not consider a parent's absence due to active military duty in favor of or against either party.

Under the bill, "active military duty" would mean when a reserve unit member or National Guard unit member is called into active military duty.

(Under the Act, "best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court:

- The love, affection, and other emotional ties existing between the parties involved and the child.
- The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
- The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under Michigan law in place of medical care, and other material needs.
- The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- The permanence, as a family unit, of the existing or proposed custodial home or homes.
- The moral fitness of the parties involved.
- The mental and physical health of the parties involved.
- The home, school, and community record of the child.
- The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.
- The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.
- Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

-- Any other factor considered by the court to be relevant to a particular child custody dispute.)

MCL 722.22 & 722.27

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.