

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5100**

A bill to amend 1970 PA 91, entitled  
"Child custody act of 1970,"  
by amending section 7 (MCL 722.27), as amended by 2001 PA 108.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. (1) If a child custody dispute has been submitted to  
2       the circuit court as an original action under this act or has  
3       arisen incidentally from another action in the circuit court or an  
4       order or judgment of the circuit court, for the best interests of  
5       the child the court may do 1 or more of the following:

6       (a) Award the custody of the child to 1 or more of the parties  
7       involved or to others and provide for payment of support for the  
8       child, until the child reaches 18 years of age. Subject to section  
9       5b of the support and parenting time enforcement act, 1982 PA 295,  
10      MCL 552.605b, the court may also order support as provided in this

1 section for a child after he or she reaches 18 years of age. The  
2 court may require that support payments shall be made through the  
3 friend of the court, court clerk, or state disbursement unit.

4 (b) Provide for reasonable parenting time of the child by the  
5 parties involved, by the maternal or paternal grandparents, or by  
6 others, by general or specific terms and conditions. Parenting time  
7 of the child by the parents is governed by section 7a.

8 (c) Modify or amend its previous judgments or orders for  
9 proper cause shown or because of change of circumstances until the  
10 child reaches 18 years of age and, subject to section 5b of the  
11 support and parenting time enforcement act, 1982 PA 295, MCL  
12 552.605b, until the child reaches 19 years and 6 months of age. The  
13 court shall not modify or amend its previous judgments or orders or  
14 issue a new order so as to change the established custodial  
15 environment of a child unless there is presented clear and  
16 convincing evidence that it is in the best interest of the child.  
17 The custodial environment of a child is established if over an  
18 appreciable time the child naturally looks to the custodian in that  
19 environment for guidance, discipline, the necessities of life, and  
20 parental comfort. The age of the child, the physical environment,  
21 and the inclination of the custodian and the child as to permanency  
22 of the relationship shall also be considered. **IF A MOTION FOR**  
23 **CHANGE OF CUSTODY IS FILED DURING THE TIME A PARENT IS IN ACTIVE**  
24 **MILITARY DUTY, THE COURT SHALL NOT ENTER AN ORDER MODIFYING OR**  
25 **AMENDING A PREVIOUS JUDGMENT OR ORDER, OR ISSUE A NEW ORDER, THAT**  
26 **CHANGES THE CHILD'S PLACEMENT THAT EXISTED ON THE DATE THE PARENT**  
27 **WAS CALLED TO ACTIVE MILITARY DUTY, EXCEPT THE COURT MAY ENTER A**

1 TEMPORARY CUSTODY ORDER IF THERE IS CLEAR AND CONVINCING EVIDENCE  
2 THAT IT IS IN THE BEST INTEREST OF THE CHILD. UPON A PARENT'S  
3 RETURN FROM ACTIVE MILITARY DUTY, THE COURT SHALL REINSTATE THE  
4 CUSTODY ORDER IN EFFECT IMMEDIATELY PRECEDING THAT PERIOD OF ACTIVE  
5 MILITARY DUTY. IF A MOTION FOR CHANGE OF CUSTODY IS FILED AFTER A  
6 PARENT RETURNS FROM ACTIVE MILITARY DUTY, THE COURT SHALL NOT  
7 CONSIDER A PARENT'S ABSENCE DUE TO THAT MILITARY DUTY IN A BEST  
8 INTEREST OF THE CHILD DETERMINATION.

9 (d) Utilize a guardian ad litem or the community resources in  
10 behavioral sciences and other professions in the investigation and  
11 study of custody disputes and consider their recommendations for  
12 the resolution of the disputes.

13 (e) Take any other action considered to be necessary in a  
14 particular child custody dispute.

15 (f) Upon petition consider the reasonable grandparenting time  
16 of maternal or paternal grandparents as provided in section 7b and,  
17 if denied, make a record of the denial.

18 (2) A judgment or order entered under this act providing for  
19 the support of a child is governed by and is enforceable as  
20 provided in the support and parenting time enforcement act, 1982 PA  
21 295, MCL 552.601 to 552.650. If this act contains a specific  
22 provision regarding the contents or enforcement of a support order  
23 that conflicts with a provision in the support and parenting time  
24 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act  
25 controls in regard to that provision.

26 Enacting section 1. This amendatory act does not take effect  
27 unless Senate Bill No. 714 of the 93rd Legislature is enacted into

1 law.