

SENATE BILL No. 1045

February 14, 2006, Introduced by Senator KUIPERS and referred to the Committee on Judiciary.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending the title and sections 1, 2, 4, and 11 (MCL 722.21,
722.22, 722.24, and 722.31), the title as amended by 1996 PA 19,
section 2 as amended by 2004 PA 542, section 4 as amended by 1998
PA 482, and section 11 as added by 2000 PA 422, and by adding
sections 5a, 5b, 5c, 5d, 5e, and 5f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to declare ~~the~~ **CERTAIN** inherent rights of ~~minor~~
~~children, to establish~~ **A CHILD IN RELATION TO HIS OR HER PARENTS**
AFTER DIVORCE; TO ENCOURAGE POSTDIVORCE PARENTAL COOPERATION BY
REQUIRING A PROCESS TO ESTABLISH A PARENTING PLAN; TO PRESCRIBE THE

1 CONTENTS OF AND PROCEDURES FOR MODIFYING A PARENTING PLAN; TO
 2 PRESCRIBE PROCEDURES TO DETERMINE rights and duties ~~to their~~
 3 REGARDING A CHILD'S custody, support, ~~and~~ OR parenting time ~~in~~
 4 ~~disputed actions~~ IF THE ISSUE IS IN DISPUTE; to establish rights
 5 and duties to provide support for a child after the child reaches
 6 the age of majority under certain circumstances; to provide for
 7 certain procedure and appeals; and to repeal ~~certain~~ acts and
 8 parts of acts.

9 Sec. 1. This act shall be known and may be cited as the "child
 10 PARENTING PLAN OR custody DISPUTE act". ~~of 1970~~.

11 Sec. 2. As used in this act:

12 (a) "Agency" means a legally authorized public or private
 13 organization, or governmental unit or official, whether of this
 14 state or of another state or country, concerned in the welfare of
 15 minor children, including a licensed child placement agency.

16 (b) "Attorney" means, if appointed to represent a child under
 17 this act, an attorney serving as the child's legal advocate in a
 18 traditional attorney-client relationship with the child, as
 19 governed by the Michigan rules of professional conduct. An attorney
 20 defined under this subdivision owes the same duties of undivided
 21 loyalty, confidentiality, and zealous representation of the child's
 22 expressed wishes as the attorney would to an adult client.

23 (c) "Child" means minor child and children. Subject to section
 24 5b of the support and parenting time enforcement act, 1982 PA 295,
 25 MCL 552.605b, for purposes of providing support, child includes a
 26 child and children who have reached 18 years of age.

27 (D) "DOMESTIC VIOLENCE" MEANS AN ACT OF PHYSICAL, SEXUAL, OR

1 SERIOUS EMOTIONAL ABUSE BY AN INDIVIDUAL AGAINST HIS OR HER SPOUSE,
2 OR FORMER SPOUSE, OR AGAINST ANOTHER INDIVIDUAL WITH WHOM THE
3 INDIVIDUAL HAS A CHILD IN COMMON OR WITH WHOM THE INDIVIDUAL HAS
4 RESIDED.

5 (E) ~~—(d)—~~ "Grandparent" means a natural or adoptive parent of
6 a child's natural or adoptive parent.

7 (F) ~~—(e)—~~ "Guardian ad litem" means an individual whom the
8 court appoints to assist the court in determining the child's best
9 interests. A guardian ad litem does not need to be an attorney.

10 (G) ~~—(f)—~~ "Lawyer-guardian ad litem" means an attorney
11 appointed under section 4. A lawyer-guardian ad litem represents
12 the child, and has the powers and duties, as set forth in section
13 4.

14 (H) ~~—(g)—~~ "Parent" means the natural or adoptive parent of a
15 child.

16 (I) "PERSONAL PROTECTION ORDER" MEANS AN ORDER ISSUED UNDER
17 SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
18 MCL 600.2950.

19 (J) "SERIOUS EMOTIONAL ABUSE" MEANS ABUSE THAT WOULD CAUSE A
20 REASONABLE PERSON TO FEEL TERRORIZED, INTIMIDATED, OR THREATENED.

21 (K) ~~—(h)—~~ "State disbursement unit" or "SDU" means the entity
22 established in section 6 of the office of child support act, 1971
23 PA 174, MCL 400.236.

24 (L) ~~—(i)—~~ "Third person" means an individual other than a
25 parent.

26 Sec. 4. (1) In ~~all actions~~ **AN ACTION** involving dispute of a
27 minor child's custody, the court shall declare the child's inherent

1 rights and establish the rights and duties as to the child's
2 custody, support, and parenting time **UNDER COURT ORDER IF CUSTODY**
3 **IS IN DISPUTE OR A COURT-APPROVED PARENTING PLAN IF CUSTODY IS NOT**
4 **IN DISPUTE** in accordance with this act.

5 (2) If, at any time in the proceeding, the court determines
6 that the child's best interests are inadequately represented, the
7 court may appoint a lawyer-guardian ad litem to represent the
8 child. A lawyer-guardian ad litem represents the child and has
9 powers and duties in relation to that representation as set forth
10 in section 17d of chapter XIIA of **THE PROBATE CODE OF 1939**, 1939 PA
11 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of
12 **THE PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.17d, apply to a
13 lawyer-guardian ad litem appointed under this act.

14 (3) In a proceeding in which a lawyer-guardian ad litem
15 represents a child, he or she may file a written report and
16 recommendation. The court may read the report and recommendation.
17 The court shall not, however, admit the report and recommendation
18 into evidence unless all parties stipulate the admission. The
19 parties may make use of the report and recommendation for purposes
20 of a settlement conference.

21 (4) After a determination of ability to pay, the court may
22 assess all or part of the costs and reasonable fees of the lawyer-
23 guardian ad litem against 1 or more of the parties involved in the
24 proceedings or against the money allocated from marriage license
25 fees for family counseling services under section 3 of 1887 PA 128,
26 MCL 551.103. A lawyer-guardian ad litem appointed under this
27 section shall not be paid a fee unless the court first receives and

1 approves the fee.

2 SEC. 5A. (1) THE STATE COURT ADMINISTRATIVE OFFICE SHALL
3 DEVELOP AND MAKE AVAILABLE A FORM FOR USE BY A PARENT IN COMPLETING
4 A PARENTING PLAN. THE FORM SHALL BE GIVEN TO BOTH PARENTS AT THE
5 TIME A PARTY FILES FOR DIVORCE, AND IT SHALL BE MADE AVAILABLE TO
6 INDIVIDUALS AUTHORIZED TO CONDUCT A DIVORCE EDUCATION PROGRAM AS
7 PROVIDED IN SECTION 5 OF 1846 RS 84, MCL 552.5. A PARENTING PLAN
8 SHALL HAVE THE FOLLOWING OBJECTIVES:

9 (A) TO HAVE THE CHILD REARED BY BOTH THE CHILD'S FATHER AND
10 THE CHILD'S MOTHER IN A MANNER THAT CLOSELY APPROXIMATES THEIR
11 REARING OF THE CHILD PRIOR TO FILING FOR DIVORCE, UNLESS IT IS NOT
12 IN THE CHILD'S BEST INTERESTS.

13 (B) TO PROVIDE FOR THE CHILD'S CARE AND SET FORTH THE
14 AUTHORITY AND RESPONSIBILITIES OF EACH PARENT WITH RESPECT TO THE
15 CHILD.

16 (C) TO ENCOURAGE THE PARENTS TO MEET THEIR RESPONSIBILITIES TO
17 THEIR CHILDREN THROUGH COOPERATIVE ARRANGEMENTS IN THE PARENTING
18 PLAN, RATHER THAN BY RELYING ON JUDICIAL INTERVENTION.

19 (2) THE FORM SHALL INDICATE THE SUBJECT MATTER THAT MUST BE
20 ADDRESSED IN A PARENTING PLAN AND SHALL CONTAIN A SWORN STATEMENT
21 SIGNED BY EACH PARENT THAT THE PROPOSED PARENTING PLAN IS PROPOSED
22 IN GOOD FAITH.

23 (3) A FORM DEVELOPED UNDER THIS SECTION SHALL CONTAIN NOTICE
24 THAT EITHER PARTY MAY OBTAIN LEGAL COUNSEL.

25 (4) IF 1 OR MORE PARTIES OBTAIN LEGAL COUNSEL IN COMPLETING
26 THE PARENTING PLAN, THE PARTY OR PARTIES SHALL DISCLOSE TO THE
27 COURT THAT LEGAL COUNSEL WAS OBTAINED.

1 (5) IF A CHILD IS THE SUBJECT OF A COURT-APPROVED PARENTING
2 PLAN, THE CHILD'S CUSTODY IS NOT IN DISPUTE AND THE COURT MAY ORDER
3 THE CHILD'S PARENTS TO BE GOVERNED BY THE PARENTING PLAN WITHOUT
4 DESIGNATING EITHER PARENT AS THE LEGAL OR PHYSICAL CUSTODIAN OF THE
5 CHILD, UNLESS A DESIGNATION IS MADE UNDER SECTION 5F.

6 SEC. 5B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, IN A
7 DIVORCE, SEPARATE MAINTENANCE, OR ANNULMENT ACTION INVOLVING A
8 CHILD'S PARENTS, THE PARENTS SHALL FILE WITH THE COURT A PROPOSED
9 PARENTING PLAN THAT IS AGREED ON BY THE PARENTS AND THAT CONFORMS
10 TO THE REQUIREMENTS OF THIS ACT. THE PARENTS SHALL FILE THE
11 PARENTING PLAN REQUIRED BY THIS SUBSECTION BEFORE A HEARING ON OR
12 DETERMINATION OF ISSUES REGARDING A CHILD OF THE MARRIAGE.

13 (2) IF THERE IS EVIDENCE THAT EITHER PARENT HAS COMMITTED
14 DOMESTIC VIOLENCE OR THE PARENTS DO NOT AGREE ON A PARENTING PLAN,
15 EACH PARENT SHALL FILE WITH THE COURT AND SERVE ON THE OTHER PARENT
16 A PROPOSED PARENTING PLAN ON OR BEFORE THE EARLIER OF THE FOLLOWING
17 DATES:

18 (A) TWENTY-EIGHT DAYS AFTER EITHER PARENT FILES AND SERVES A
19 NOTICE REQUESTING A PRETRIAL CONFERENCE.

20 (B) TWENTY-SIX WEEKS AFTER COMMENCEMENT OF THE ACTION. THE
21 PARENTS MAY EXTEND THIS PERIOD BY STIPULATION.

22 (3) A PARENT WHO FILES A PROPOSED PARENTING PLAN IN COMPLIANCE
23 WITH SUBSECTION (2) MAY MOVE THE COURT FOR AN ORDER OF DEFAULT
24 ADOPTING THAT PARENT'S PARENTING PLAN IF THE OTHER PARENT FAILS TO
25 FILE A PROPOSED PARENTING PLAN AS REQUIRED IN SUBSECTION (2).

26 SEC. 5C. (1) A PARENT SUBMITTING A PROPOSED PARENTING PLAN
27 SHALL ATTACH A SWORN STATEMENT THAT THE PLAN IS PROPOSED BY THAT

1 PARENT IN GOOD FAITH. EITHER PARENT MAY FILE AND SERVE AN AMENDED
2 PROPOSED PARENTING PLAN ACCORDING TO THE RULES FOR AMENDING
3 PLEADINGS.

4 (2) IF EACH PARENT FILES A PARENTING PLAN OR THE PARENTING
5 PLAN IS OTHERWISE IN DISPUTE, THE PARENTS SHALL ATTEMPT TO ARRIVE
6 AT A MUTUALLY AGREED UPON PARENTING PLAN BY AN ALTERNATIVE DISPUTE
7 RESOLUTION PROCESS EITHER THROUGH THE FRIEND OF THE COURT MEDIATION
8 SERVICES OR THROUGH ANOTHER AGENCY OR AN INDIVIDUAL THAT BOTH
9 PARTIES AGREE UPON. THIS SUBSECTION DOES NOT APPLY IF THERE IS
10 EVIDENCE THAT EITHER PARENT HAS COMMITTED DOMESTIC VIOLENCE.

11 (3) IF AN ALTERNATIVE DISPUTE RESOLUTION PROCESS IS
12 UNSUCCESSFUL OR INAPPLICABLE, AND A MANDATORY SETTLEMENT CONFERENCE
13 IS PROVIDED BY COURT RULE, THE PARENTS SHALL ATTEND A MANDATORY
14 SETTLEMENT CONFERENCE. A JUDGE OR A FRIEND OF THE COURT REFEREE
15 SHALL PRESIDE OVER THE MANDATORY SETTLEMENT CONFERENCE. THE PARENTS
16 SHALL REVIEW IN GOOD FAITH THE PROPOSED TERMS OF THE PARENTING
17 PLANS AND OTHER ISSUES RELEVANT TO THE ACTION WITH THE JUDGE OR
18 REFEREE. A FACT OR LEGAL ISSUE THAT IS NOT IN DISPUTE AT THE TIME
19 OF THE SETTLEMENT CONFERENCE SHALL BE ENTERED AS STIPULATED FOR
20 PURPOSES OF FINAL HEARING OR TRIAL IN THE MATTER.

21 (4) THE COURT SHALL NOT ISSUE AN ORDER IMPLEMENTING A DISPUTED
22 PARENTING PLAN UNTIL THE COURT HOLDS A HEARING ON THE PROPOSED PLAN
23 OR PLANS. AN ACTION INVOLVING A CHILD GOVERNED BY THIS ACT HAS
24 PRECEDENCE FOR HEARING AND ASSIGNMENT FOR TRIAL OVER OTHER CIVIL
25 ACTIONS.

26 SEC. 5D. (1) THE PARENTING PLAN SHALL CONTAIN PROVISIONS
27 GOVERNING RESOLUTION OF FUTURE DISPUTES BETWEEN THE PARENTS.

1 (2) UNLESS PRECLUDED OR LIMITED BY THIS SECTION, THE COURT
2 SHALL PROVIDE ALTERNATIVES TO COURT ACTION FOR RESOLVING DISPUTES
3 REGARDING THE ESTABLISHMENT OR MODIFICATION OF A PARENTING PLAN,
4 WHICH MAY INCLUDE COUNSELING, MEDIATION, OR ARBITRATION BY A
5 SPECIFIED INDIVIDUAL OR AGENCY, INCLUDING THE FRIEND OF THE COURT.
6 IF THE COURT FINDS THAT A PARENT USES OR FRUSTRATES THE USE OF AN
7 ALTERNATIVE DISPUTE RESOLUTION PROCESS WITHOUT GOOD CAUSE, THE
8 COURT SHALL AWARD ATTORNEY FEES AND FINANCIAL SANCTIONS TO THE
9 OTHER PARENT. THE COURT SHALL SET FORTH THE REQUIREMENTS OF THIS
10 SUBSECTION IN THE ORDER APPROVING THE PARENTING PLAN.

11 (3) THE COURT SHALL NOT ORDER AN ALTERNATIVE DISPUTE
12 RESOLUTION PROCESS IF THE COURT FINDS THAT A LIMITING FACTOR UNDER
13 THIS SECTION APPLIES OR THAT EITHER PARENT IS UNABLE TO AFFORD THE
14 COST OF THE PROPOSED DISPUTE RESOLUTION PROCESS. IF A DISPUTE
15 RESOLUTION PROCESS IS NOT PRECLUDED OR LIMITED, THEN, IN
16 DESIGNATING THE PROCESS, THE COURT SHALL CONSIDER ALL RELEVANT
17 FACTORS, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

18 (A) DIFFERENCES BETWEEN THE PARENTS THAT WOULD SUBSTANTIALLY
19 INHIBIT THEIR EFFECTIVE PARTICIPATION IN A DESIGNATED PROCESS.

20 (B) THE PARENTS' WISHES OR AGREEMENTS AND, IF THE PARENTS HAVE
21 ENTERED INTO AGREEMENTS, WHETHER THE AGREEMENTS WERE MADE KNOWINGLY
22 AND VOLUNTARILY.

23 (C) DIFFERENCES IN THE PARENTS' FINANCIAL CIRCUMSTANCES THAT
24 MAY AFFECT THEIR ABILITY TO PARTICIPATE FULLY IN A GIVEN DISPUTE
25 RESOLUTION PROCESS.

26 (4) A PARENTING PLAN SHALL NOT REQUIRE MUTUAL DECISION MAKING
27 OR DESIGNATION OF AN ALTERNATIVE DISPUTE RESOLUTION PROCESS IF THE

1 COURT FINDS THAT A PARENT HAS ENGAGED IN ANY OF THE FOLLOWING
2 CONDUCT:

3 (A) WILLFUL ABANDONMENT THAT CONTINUES FOR AN EXTENDED PERIOD
4 OF TIME OR SUBSTANTIAL REFUSAL TO PERFORM PARENTING FUNCTIONS.

5 (B) PHYSICAL, SEXUAL, OR A PATTERN OF EMOTIONAL ABUSE OF A
6 CHILD.

7 (C) A HISTORY OF ACTS OF DOMESTIC VIOLENCE OR AN ASSAULT OR
8 SEXUAL ASSAULT THAT CAUSES GRIEVOUS BODILY HARM OR THE FEAR OF THAT
9 HARM.

10 SEC. 5E. (1) IF A PARENT FAILS TO COMPLY WITH THE PARENTING
11 PLAN OR A CHILD SUPPORT ORDER, THE OTHER PARENT'S OBLIGATIONS UNDER
12 THE PARENTING PLAN OR THE CHILD SUPPORT ORDER ARE NOT AFFECTED. THE
13 COURT MAY HOLD A PARENT WHO FAILS TO COMPLY WITH A PARENTING PLAN
14 IN CONTEMPT OF COURT.

15 (2) A PARENT SEEKING MODIFICATION OF A PARENTING PLAN SHALL
16 SUBMIT, TOGETHER WITH HIS OR HER PETITION, A SWORN STATEMENT
17 SETTING FORTH FACTS SUPPORTING THE REQUESTED MODIFICATION AND SHALL
18 GIVE NOTICE, TOGETHER WITH A COPY OF HIS OR HER SWORN STATEMENT, TO
19 OTHER PARTIES TO THE PROCEEDINGS, WHO MAY FILE OPPOSING SWORN
20 STATEMENTS. THE COURT SHALL DENY THE PETITION UNLESS IT FINDS THAT
21 PROPER CAUSE FOR HEARING THE MOTION IS ESTABLISHED BY THE SWORN
22 STATEMENTS, IN WHICH CASE IT SHALL SET A DATE FOR HEARING ON AN
23 ORDER TO SHOW CAUSE WHY THE REQUESTED MODIFICATION SHOULD NOT BE
24 ORDERED. A PARENT MAY FILE A PETITION FOR MODIFICATION OF A
25 PARENTING PLAN ONLY IN THE COUNTY OF THE COURT THAT HAS
26 JURISDICTION OVER THE CASE.

27 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 5D, THE COURT

1 SHALL NOT MODIFY A PARENTING PLAN UNLESS THE MOVING PARTY SHOWS
2 PROPER CAUSE FOR A MODIFICATION OR A CHANGE OF CIRCUMSTANCES SINCE
3 ENTRY OF THE ORDER APPROVING THE PARENTING PLAN ORDER. IF THE
4 MOVING PARTY MAKES THE SHOWING REQUIRED BY THIS SUBSECTION AND IF
5 THE COURT FINDS THAT THE MODIFICATION IS IN THE CHILD'S BEST
6 INTERESTS, THE COURT SHALL MODIFY THE PARENTING PLAN.

7 (4) IF THE COURT FINDS THAT A PETITION TO MODIFY AN EARLIER
8 PARENTING PLAN IS BROUGHT, OR A REFUSAL TO AGREE TO A MODIFICATION
9 IS MADE, IN BAD FAITH, THE COURT SHALL ASSESS ATTORNEY FEES AND
10 COURT COSTS OF THE NONMOVING PARENT AGAINST THE MOVING PARTY.

11 SEC. 5F. SOLELY FOR THE PURPOSES OF OTHER STATE OR FEDERAL
12 STATUTES OR OTHER LEGAL REQUIREMENTS THAT REQUIRE A DESIGNATION OR
13 DETERMINATION OF LEGAL OR PHYSICAL CUSTODY FOR PURPOSES SUCH AS, BY
14 WAY OF EXAMPLE AND NOT LIMITATION, TAX EXEMPTIONS OR HEALTH CARE
15 BENEFITS, THE COURT MAY DESIGNATE IN THE PARENTING PLAN OR BY
16 SEPARATE ORDER A CHILD'S LEGAL OR PHYSICAL CUSTODIAN OR CUSTODIANS.
17 THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS AND
18 RESPONSIBILITIES UNDER THE PARENTING PLAN OR ANOTHER PROVISION OF
19 THIS ACT. IN THE ABSENCE OF A DESIGNATION ALLOWED UNDER THIS
20 SECTION, THE PARENT WITH WHOM THE CHILD IS SCHEDULED TO RESIDE THE
21 MAJORITY OF THE TIME SHALL BE CONSIDERED THE CHILD'S CUSTODIAN FOR
22 THOSE PURPOSES.

23 Sec. 11. (1) A child whose parental custody is governed by
24 court order OR WHO IS THE SUBJECT OF A COURT-APPROVED PARENTING
25 PLAN has, for the purposes of this section, a legal residence with
26 each parent. Except as otherwise provided in this section, a parent
27 of a child whose custody is governed by court order shall not

1 change a legal residence of the child to a location that is more
2 than 100 miles from the child's legal residence at the time of the
3 commencement of the action in which the order is issued.

4 (2) A parent's change of a child's legal residence is not
5 restricted by subsection (1) if the other parent consents to, or if
6 the court, after complying with subsection (4), permits, the
7 residence change. This section does not apply if the order
8 governing the child's custody grants sole legal custody to 1 of the
9 child's parents.

10 (3) This section does not apply if, at the time of the
11 commencement of the action in which the custody order is issued,
12 the child's 2 residences were more than 100 miles apart. This
13 section does not apply if the legal residence change results in the
14 child's 2 legal residences being closer to each other than before
15 the change.

16 (4) Before permitting a legal residence change otherwise
17 restricted by subsection (1), the court shall consider each of the
18 following factors, with the child as the primary focus in the
19 court's deliberations:

20 (a) Whether the legal residence change has the capacity to
21 improve the quality of life for both the child and the relocating
22 parent.

23 (b) The degree to which each parent has complied with, and
24 utilized his or her time under, a court order governing parenting
25 time with the child **OR A PARENTING PLAN**, and whether the parent's
26 plan to change the child's legal residence is inspired by that
27 parent's desire to defeat or frustrate the parenting time schedule

1 **OR THE PARENTING PLAN.**

2 (c) The degree to which the court is satisfied that, if the
3 court permits the legal residence change, it is possible to order a
4 modification of the parenting time schedule **OR PARENTING PLAN** and
5 other arrangements governing the child's schedule in a manner that
6 can provide an adequate basis for preserving and fostering the
7 parental relationship between the child and each parent; and
8 whether each parent is likely to comply with the modification.

9 (d) The extent to which the parent opposing the legal
10 residence change is motivated by a desire to secure a financial
11 advantage with respect to a support obligation.

12 (e) Domestic violence, regardless of whether the violence was
13 directed against or witnessed by the child.

14 (5) Each order determining or modifying custody or parenting
15 time of a child **OR A PARENTING PLAN** shall include a provision
16 stating the parent's agreement as to how a change in either of the
17 child's legal residences will be handled. If such a provision is
18 included in the order **OR PARENTING PLAN** and a child's legal
19 residence change is done in compliance with that provision, this
20 section does not apply. If the parents do not agree on such a
21 provision, the court shall include in the order the following
22 provision: "A parent whose custody or parenting time of a child is
23 governed by this ~~order~~ **ORDER/PARENTING PLAN** shall not change the
24 legal residence of the child except in compliance with section 11
25 of the "Child **PARENTING PLAN OR** Custody ~~Act of 1970~~ **DISPUTE**
26 **ACT**", 1970 PA 91, MCL 722.31.".

27 (6) If this section applies to a change of a child's legal

1 residence and the parent seeking to change that legal residence
2 needs to seek a safe location from the threat of domestic violence,
3 the parent may move to such a location with the child until the
4 court makes a determination under this section.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No.____ (request no.
7 00027'05) of the 93rd Legislature is enacted into law.