

SENATE BILL No. 569

May 12, 2009, Introduced by Senators JANSEN, GARCIA, ALLEN, HARDIMAN, GILBERT, PAPPAGEORGE, JACOBS and BIRKHOLZ and referred to the Committee on Families and Human Services.

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 involving dispute of a minor
2 child's custody, the court shall declare the child's inherent
3 rights and establish the rights and duties as to the child's
4 custody, support, and parenting time in accordance with this act
5 AND CHAPTER 50B OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
6 MCL 600.5070 TO 600.5082.

7 (2) If, at any time in the proceeding, the court determines
8 that the child's best interests are inadequately represented, the
9 court may appoint a lawyer-guardian ad litem to represent the

1 child. A lawyer-guardian ad litem represents the child and has
2 powers and duties in relation to that representation as set forth
3 in section 17d of chapter XIIIA of **THE PROBATE CODE OF 1939**, 1939 PA
4 288, MCL 712A.17d. All provisions of section 17d of chapter XIIIA of
5 **THE PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.17d, apply to a
6 lawyer-guardian ad litem appointed under this act.

7 (3) In a proceeding in which a lawyer-guardian ad litem
8 represents a child, he or she may file a written report and
9 recommendation. The court may read the report and recommendation.
10 The court shall not, however, admit the report and recommendation
11 into evidence unless all parties stipulate the admission. The
12 parties may make use of the report and recommendation for purposes
13 of a settlement conference.

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