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Senate Bill 1015 (Substitute S-2 as reported)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

### **CONTENT**

The bill would amend the Child Custody Act to do the following, if a motion for change of custody or change of parenting time were filed during the time a parent was in active military duty:

- Allow a parent to file an application for a stay of the proceedings, and require the court to entertain the application.
- Prohibit the court from entering an order modifying a previous judgment or order, or issuing a new order, that changed the child's placement or the parenting time that existed when the parent was called to active military duty.
- Allow a parent to file an application for an extension of a stay.
- Allow the court to enter a temporary custody or parenting time order if there were clear and convincing evidence that it was in the best interest of the child.
- Require a parent to inform the court of the official active duty end date before or within 30 days after that date.
- Require the stay to be adjusted to not less than 90 days after the official active duty end date.
- Provide that future active duty military deployments could not be considered in a best interest of the child determination.

In addition, under the Act, if a motion for change of custody is filed after a parent returns from active military duty, the court may not consider a parent's absence due to that military duty in a best interest of the child determination. The bill also would prohibit that consideration if a motion for change of parenting time were filed after a parent returned from active military duty.

The bill further specifies that, in a motion for change of custody, the parent's duration of deployment, prisoner of war status, or being missing in action but not declared dead by a court could not be considered in a best interest of the child determination.

MCL 722.27 & 722.27a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Date Completed: 8-18-14

Fiscal Analyst: John Maxwell