

HOUSE BILL No. 5139

November 6, 2013, Introduced by Rep. Geiss and referred to the Committee on Judiciary.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
(MCL 722.21 to 722.31) by adding section 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7C. (1) IF A COURT AWARDS JOINT CUSTODY UNDER SECTION 6A
2 OR PARENTING TIME UNDER SECTION 7A, THE COURT MAY CONSIDER,
3 CONSISTENT WITH THE BEST INTERESTS OF THE CHILD, WHETHER TO AWARD 1
4 OR BOTH OF THE PARTIES THE RIGHT OF FIRST REFUSAL TO PROVIDE CHILD
5 CARE FOR THE CHILD DURING THE OTHER PARENT'S NORMAL PARENTING TIME,
6 UNLESS THE NEED FOR CHILD CARE IS ATTRIBUTABLE TO AN EMERGENCY.

7 (2) RIGHT OF FIRST REFUSAL MEANS THAT IF A PARTY INTENDS TO
8 LEAVE THE CHILD WITH A SUBSTITUTE CHILD CARE PROVIDER FOR A
9 SIGNIFICANT PERIOD OF TIME, THAT PARTY MUST FIRST OFFER THE OTHER

1 PARTY AN OPPORTUNITY TO PERSONALLY CARE FOR THE CHILD. THE PARTIES
2 MAY AGREE TO A RIGHT OF FIRST REFUSAL THAT IS CONSISTENT WITH THE
3 BEST INTERESTS OF THE CHILD. IF THERE IS NO AGREEMENT AND THE COURT
4 DETERMINES THAT A RIGHT OF FIRST REFUSAL IS IN THE BEST INTERESTS
5 OF THE CHILD, THE COURT SHALL CONSIDER AND MAKE PROVISIONS IN ITS
6 ORDER FOR ALL OF THE FOLLOWING:

7 (A) THE LENGTH AND KIND OF CHILD CARE REQUIREMENTS THAT WILL
8 INVOKE THE RIGHT OF FIRST REFUSAL.

9 (B) NOTIFICATION TO THE OTHER PARENT AND FOR THE OTHER
10 PARENT'S RESPONSE.

11 (C) TRANSPORTATION REQUIREMENTS.

12 (D) ANY OTHER ACTION NECESSARY TO PROTECT AND PROMOTE THE BEST
13 INTERESTS OF THE CHILD.

14 (3) THE RIGHT OF FIRST REFUSAL IS TERMINATED UPON THE
15 TERMINATION OF CUSTODY OR PARENTING TIME RIGHTS.