



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4481 (Substitute S-1 as reported)
Sponsor: Representative Lisa Posthumus Lyons
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Child Custody Act to expand a provision that prohibits a court from awarding custody of a child or parenting time with a child to a biological parent, if the child was conceived as a result acts for which that parent was convicted of criminal sexual conduct (CSC) under the Michigan Penal Code. Under the bill, the prohibitions would apply in the case of a child conceived as the result of CSC under the Penal Code or a substantially similar statute of another state or the Federal government or if the biological parent were found by clear and convincing evidence in a fact-finding hearing to have committed acts of nonconsensual sexual penetration.

The bill also would do the following:

- Specify that an offending parent would not be entitled to custody of the child without the consent of the other parent or guardian.
- Specify that the prohibition against gaining custody would not relieve an offending parent of any support or maintenance obligation to the child.
- Authorize a parent to assert an affirmative defense that the child was conceived as the result of CSC or nonconsensual sexual penetration in a custody or parenting time proceeding brought by the offending parent.

The bill would take effect 90 days after its enactment.

MCL 722.25 & 722.27a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, though likely small, fiscal impact on State and local government. It is not known whether the provisions of the bill would increase or decrease the number of hearings and determinations on child custody and parenting time. An increase in hearings and determinations could place incremental resource demands on court systems. Conversely, a decrease in hearings and determinations could incrementally reduce resource demands on court systems.

Date Completed: 2-8-16

Fiscal Analyst: Ryan Bergan