

HOUSE BILL NO. 5196

July 01, 2021, Introduced by Reps. Steckloff and Rabhi and referred to the Committee on Government Operations.

A bill to amend 2001 PA 195, entitled
"Uniform child-custody jurisdiction and enforcement act,"
by amending section 309 (MCL 722.1309).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Unless the court issues a temporary emergency
2 order as provided in section 204, upon a finding that a petitioner
3 is immediately entitled to the physical custody of the child, the
4 court shall order the child delivered to the petitioner unless the
5 respondent establishes either of the following:

(a) The child-custody determination has not been registered and confirmed under section 304 and 1 or more of the following:

(i) The issuing court did not have jurisdiction under article 2.

(ii) The child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under article 2 or federal law.

(iii) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 108 in the proceedings before the court that issued the order for which enforcement is sought.

(b) The child-custody determination for which enforcement is sought was registered and confirmed under section 304, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under article 2 or federal law.

(2) The court shall award the fees, costs, and expenses authorized under section 311 and may grant additional relief, including a request for the assistance of law enforcement officials, and schedule a further hearing to determine whether additional relief is appropriate.

(3) If a party called to testify refuses to answer on the grounds that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of ~~husband and wife~~ **as spouses** or parent and child cannot be invoked in a proceeding under this article.

Enacting section 1. This amendatory act does not take effect unless Senate Joint Resolution ____ or House Joint Resolution ____

1 (request no. 02344'21) of the 101st Legislature becomes a part of
2 the state constitution of 1963 as provided in section 1 of article
3 XII of the state constitution of 1963.