

# HOUSE BILL NO. 4217

March 12, 2025, Introduced by Rep. Paquette and referred to Committee on Families and Veterans.

A bill to amend 1970 PA 91, entitled  
"Child custody act of 1970,"  
by amending sections 2, 7, and 7b (MCL 722.22, 722.27, and  
722.27b), section 2 as amended by 2015 PA 51, section 7 as amended  
by 2015 PA 52, and section 7b as amended by 2009 PA 237.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 2. As used in this act:
- 2       (a) "Active duty" means that term as defined in section ~~101~~
- 3       **3911** of the servicemembers civil relief act, 50 USC ~~511~~, **3911**,
- 4       except that "active duty" includes full-time national guard duty.
- 5       (b) "Agency" means a legally authorized public or private

1 organization, or governmental unit or official, whether of this  
2 state or of another state or country, concerned in the welfare of  
3 minor children, including a licensed child placement agency.

4 (c) "Attorney" means, if appointed to represent a child under  
5 this act, an attorney serving as the child's legal advocate in a  
6 traditional attorney-client relationship with the child, as  
7 governed by the Michigan rules of professional conduct. An attorney  
8 defined under this subdivision owes the same duties of undivided  
9 loyalty, confidentiality, and zealous representation of the child's  
10 expressed wishes as the attorney would to an adult client.

11 (d) "Child" means minor child and children. Subject to section  
12 5b of the support and parenting time enforcement act, 1982 PA 295,  
13 MCL 552.605b, for purposes of providing support, child includes a  
14 child and children who have reached 18 years of age.

15 (e) "Deployment" means the movement or mobilization of a  
16 servicemember to a location for a period of longer than 60 days and  
17 not longer than 540 days under temporary or permanent official  
18 orders as follows:

19 (i) That are designated as unaccompanied.

20 (ii) For which dependent travel is not authorized.

21 (iii) That otherwise do not permit the movement of family  
22 members to that location.

23 (iv) The servicemember is restricted from travel.

24 (f) "Grandparent" means a natural or adoptive parent of a  
25 child's natural or adoptive parent.

26 **(g) "Great grandparent" means a natural or adoptive parent of**  
27 **a child's natural or adoptive grandparent.**

28 **(h) ~~(g)~~—"Guardian ad litem"** means an individual whom the court  
29 appoints to assist the court in determining the child's best

1 interests. A guardian ad litem does not need to be an attorney.

2 (i) ~~(h)~~ "Lawyer-guardian ad litem" means an attorney appointed  
3 under section 4. A lawyer-guardian ad litem represents the child,  
4 and has the powers and duties, as set forth in section 4.

5 (j) ~~(i)~~ "Parent" means the natural or adoptive parent of a  
6 child.

7 (k) ~~(j)~~ "State disbursement unit" or "SDU" means the entity  
8 established in section 6 of the office of child support act, 1971  
9 PA 174, MCL 400.236.

10 (l) ~~(k)~~ "Third person" means an individual other than a parent.

11 Sec. 7. (1) If a child custody dispute has been submitted to  
12 the circuit court as an original action under this act or has  
13 arisen incidentally from another action in the circuit court or an  
14 order or judgment of the circuit court, for the best interests of  
15 the child the court may do 1 or more of the following:

16 (a) Award the custody of the child to 1 or more of the parties  
17 involved or to others and provide for payment of support for the  
18 child, until the child reaches 18 years of age. Subject to section  
19 5b of the support and parenting time enforcement act, 1982 PA 295,  
20 MCL 552.605b, the court may also order support as provided in this  
21 section for a child after ~~he or she~~ **the child** reaches 18 years of  
22 age. The court may require that support payments ~~shall be~~ **are** made  
23 through the friend of the court, court clerk, or state disbursement  
24 unit.

25 (b) Provide for reasonable parenting time of the child by the  
26 parties involved, by the maternal or paternal grandparents **or great**  
27 **grandparents**, or by others, by general or specific terms and  
28 conditions. Parenting time of the child by the parents is governed  
29 by section 7a.

1 (c) Subject to subsection (3), modify or amend its previous  
2 judgments or orders for proper cause shown or because of change of  
3 circumstances until the child reaches 18 years of age and, subject  
4 to section 5b of the support and parenting time enforcement act,  
5 1982 PA 295, MCL 552.605b, until the child reaches 19 years and 6  
6 months of age. The court shall not modify or amend its previous  
7 judgments or orders or issue a new order so as to change the  
8 established custodial environment of a child unless there is  
9 presented clear and convincing evidence that it is in the best  
10 interest of the child. The custodial environment of a child is  
11 established if over an appreciable time the child naturally looks  
12 to the custodian in that environment for guidance, discipline, the  
13 necessities of life, and parental comfort. The age of the child,  
14 the physical environment, and the inclination of the custodian and  
15 the child as to permanency of the relationship ~~shall~~**must** also be  
16 considered. If a motion for change of custody is filed while a  
17 parent is active duty, the court shall not consider a parent's  
18 absence due to that active duty status in a best interest of the  
19 child determination.

20 (d) Utilize a guardian ad litem or the community resources in  
21 behavioral sciences and other professions in the investigation and  
22 study of custody disputes and consider their recommendations for  
23 the resolution of the disputes.

24 (e) Take any other action considered to be necessary in a  
25 particular child custody dispute.

26 (f) Upon petition consider the reasonable grandparenting **or**  
27 **great grandparenting** time of maternal or paternal grandparents **or**  
28 **great grandparents** as provided in section 7b and, if denied, make a  
29 record of the denial.

1           (2) A judgment or order entered under this act providing for  
2 the support of a child is governed by and is enforceable as  
3 provided in the support and parenting time enforcement act, 1982 PA  
4 295, MCL 552.601 to 552.650. If this act contains a specific  
5 provision regarding the contents or enforcement of a support order  
6 that conflicts with a provision in the support and parenting time  
7 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act  
8 controls in regard to that provision.

9           (3) As provided in the servicemembers civil relief act, 50 USC  
10 501 to 597b, if a motion for change of custody is filed during the  
11 time a parent is on deployment, a parent may file and the court  
12 shall entertain an application for stay. The court shall not enter  
13 an order modifying or amending a previous judgment or order, or  
14 issue a new order, that changes the child's placement that existed  
15 on the date the parent was called to deployment, except that the  
16 court may enter a temporary custody order if there is clear and  
17 convincing evidence that it is in the best interests of the child.  
18 When a temporary custody order is issued under this subsection, the  
19 court may include a limit on the period of time that the temporary  
20 custody order remains in effect. At any stage before final judgment  
21 in the proceeding, the parent may file an application for stay or  
22 otherwise request a stay of the proceedings or file an application  
23 for an extension of a stay. The parent and the custodial child are  
24 not required to be present to consider the application for stay or  
25 extension of a stay. The application for stay or extension of a  
26 stay is sufficient if it is a signed, written statement, certified  
27 to be true under penalty of perjury. The same conditions for the  
28 initial stay apply to an application for an extension of a stay.  
29 The parent's duration of deployment ~~shall~~**must** not be considered in

1 making a best interest of the child determination.

2 (4) The parent shall inform the court of the deployment end  
3 date before or within 30 days after that deployment end date. Upon  
4 notification of a parent's deployment end date, the court shall  
5 reinstate the custody order in effect immediately preceding that  
6 period of deployment. If a motion for change of custody is filed  
7 after a parent returns from deployment, the court shall not  
8 consider a parent's absence due to that deployment in making a best  
9 interest of the child determination. Future deployments ~~shall~~**must**  
10 not be considered in making a best interest of the child  
11 determination.

12 (5) If the deploying parent and the other parent share  
13 custody, the deploying parent must notify the other parent of an  
14 upcoming deployment within a reasonable period of time.

15 Sec. 7b. (1) A child's grandparent **or great grandparent** may  
16 seek a grandparenting **or great grandparenting** time order under 1 or  
17 more of the following circumstances:

18 (a) An action for divorce, separate maintenance, or annulment  
19 involving the child's parents is pending before the court.

20 (b) The child's parents are divorced, separated under a  
21 judgment of separate maintenance, or have had their marriage  
22 annulled.

23 (c) The child's parent who is a child of the grandparents **or**  
24 **grandchild of the great grandparents** is deceased.

25 (d) The child's parents have never been married, they are not  
26 residing in the same household, and paternity has been established  
27 by the completion of an acknowledgment of parentage under the  
28 acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to  
29 722.1013, by an order of filiation entered under the paternity act,

1 1956 PA 205, MCL 722.711 to 722.730, or by a determination by a  
2 court of competent jurisdiction that the individual is the father  
3 of the child.

4 (e) Except as otherwise provided in subsection (13), legal  
5 custody of the child has been given to a person other than the  
6 child's parent, or the child is placed outside of and does not  
7 reside in the home of a parent.

8 (f) In the year preceding the commencement of an action under  
9 subsection (3) for grandparenting **or great grandparenting** time, the  
10 grandparent **or great grandparent** provided an established custodial  
11 environment for the child as described in section 7, whether or not  
12 the grandparent **or great grandparent** had custody under a court  
13 order.

14 (2) A court shall not permit a parent **or grandparent** of a  
15 father who has never been married to the child's mother to seek an  
16 order for grandparenting **or great grandparenting** time under this  
17 section unless the father has completed an acknowledgment of  
18 parentage under the acknowledgment of parentage act, 1996 PA 305,  
19 MCL 722.1001 to 722.1013, an order of filiation has been entered  
20 under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, or  
21 the father has been determined to be the father by a court of  
22 competent jurisdiction. The court shall not permit the parent **or**  
23 **grandparent** of a putative father to seek an order for  
24 grandparenting **or great grandparenting** time unless the putative  
25 father has provided substantial and regular support or care in  
26 accordance with the putative father's ability to provide the  
27 support or care.

28 (3) A grandparent **or great grandparent** seeking a  
29 grandparenting **or great grandparenting** time order shall commence an

1 action for grandparenting **or great grandparenting** time, as follows:

2 (a) If the circuit court has continuing jurisdiction over the  
3 child, the child's grandparent **or great grandparent** shall seek a  
4 grandparenting **or great grandparenting** time order by filing a  
5 motion with the circuit court in the county where the court has  
6 continuing jurisdiction.

7 (b) If the circuit court does not have continuing jurisdiction  
8 over the child, the child's grandparent **or great grandparent** shall  
9 seek a grandparenting **or great grandparenting** time order by filing  
10 a complaint in the circuit court for the county where the child  
11 resides.

12 (4) All of the following apply to an action for grandparenting  
13 **or great grandparenting** time under subsection (3):

14 (a) The complaint or motion for grandparenting **or great**  
15 **grandparenting** time filed under subsection (3) ~~shall~~**must** be  
16 accompanied by an affidavit setting forth facts supporting the  
17 requested order. The grandparent **or great grandparent** shall give  
18 notice of the filing to each person who has legal custody of, or an  
19 order for parenting time with, the child. A party having legal  
20 custody may file an opposing affidavit. ~~A hearing shall be held by~~  
21 ~~the court~~**The court shall hold a hearing** on its own motion or if a  
22 party requests a hearing. At the hearing, parties submitting  
23 affidavits ~~shall~~**must** be allowed an opportunity to be heard.

24 (b) In order to give deference to the decisions of fit  
25 parents, it is presumed in a proceeding under this subsection that  
26 a fit parent's decision to deny grandparenting **or great**  
27 **grandparenting** time does not create a substantial risk of harm to  
28 the child's mental, physical, or emotional health. To rebut the  
29 presumption created in this subdivision, a grandparent **or great**



1 **grandparent** filing a complaint or motion under this section must  
2 prove by a preponderance of the evidence that the parent's decision  
3 to deny grandparenting **or great grandparenting** time creates a  
4 substantial risk of harm to the child's mental, physical, or  
5 emotional health. If the grandparent **or great grandparent** does not  
6 overcome the presumption, the court shall dismiss the complaint or  
7 deny the motion.

8 (c) If a court of appellate jurisdiction determines in a final  
9 and nonappealable judgment that the burden of proof described in  
10 subdivision (b) is unconstitutional, a grandparent **or great**  
11 **grandparent** filing a complaint or motion under this section must  
12 prove by clear and convincing evidence that the parent's decision  
13 to deny grandparenting **or great grandparenting** time creates a  
14 substantial risk of harm to the child's mental, physical, or  
15 emotional health to rebut the presumption created in subdivision  
16 (b).

17 (5) If 2 fit parents sign an affidavit stating that they both  
18 oppose an order for grandparenting **or great grandparenting** time,  
19 the court shall dismiss a complaint or motion seeking an order for  
20 grandparenting **or great grandparenting** time filed under subsection  
21 (3). This subsection does not apply if 1 of the fit parents is a  
22 stepparent who adopted a child under the Michigan adoption code,  
23 chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to  
24 710.70, and the grandparent **or great grandparent** seeking the order  
25 is the natural or adoptive parent **or grandparent** of a parent of the  
26 child who is deceased or whose parental rights have been  
27 terminated.

28 (6) If the court finds that a grandparent **or great grandparent**  
29 has met the standard for rebutting the presumption described in

1 subsection (4), the court shall consider whether it is in the best  
2 interests of the child to enter an order for grandparenting **or**  
3 **great grandparenting** time. If the court finds by a preponderance of  
4 the evidence that it is in the best interests of the child to enter  
5 a grandparenting **or great grandparenting** time order, the court  
6 shall enter an order providing for reasonable grandparenting **or**  
7 **great grandparenting** time of the child by the grandparent **or great**  
8 **grandparent** by general or specific terms and conditions. In  
9 determining the best interests of the child under this subsection,  
10 the court shall consider all of the following:

11 (a) The love, affection, and other emotional ties existing  
12 between the grandparent **or great grandparent** and the child.

13 (b) The length and quality of the prior relationship between  
14 the child and the grandparent **or great grandparent**, the role  
15 performed by the grandparent **or great grandparent**, and the existing  
16 emotional ties of the child to the grandparent **or great**  
17 **grandparent**.

18 (c) The grandparent's **or great grandparent's** moral fitness.

19 (d) The grandparent's **or great grandparent's** mental and  
20 physical health.

21 (e) The child's reasonable preference, if the court considers  
22 the child to be of sufficient age to express a preference.

23 (f) The effect on the child of hostility between the  
24 grandparent **or great grandparent** and the parent of the child.

25 (g) The willingness of the grandparent **or great grandparent**,  
26 except in the case of abuse or neglect, to encourage a close  
27 relationship between the child and the parent or parents of the  
28 child.

29 (h) Any history of physical, emotional, or sexual abuse or

1 neglect of any child by the grandparent **or great grandparent**.

2 (i) Whether the parent's decision to deny, or lack of an offer  
3 of, grandparenting **or great grandparenting** time is related to the  
4 child's well-being or is for some other unrelated reason.

5 (j) Any other factor relevant to the physical and  
6 psychological well-being of the child.

7 (7) If the court has determined that a grandparent **or great**  
8 **grandparent** has met the standard for rebutting the presumption  
9 described in subsection (4), the court may refer that grandparent's  
10 **or great grandparent's** complaint or motion for grandparenting **or**  
11 **great grandparenting** time filed under subsection (3) to alternative  
12 dispute resolution as provided by supreme court rule. If the  
13 complaint or motion is referred to the friend of the court for  
14 alternative dispute resolution and no settlement is reached through  
15 friend of the court alternative dispute resolution within a  
16 reasonable time after the date of referral, the **court shall hear**  
17 **the** complaint or motion ~~shall be heard by the court~~ as provided in  
18 this section.

19 (8) A grandparent **or great grandparent** may not file more than  
20 once every 2 years, absent a showing of good cause, a complaint or  
21 motion under subsection (3) seeking a grandparenting **or great**  
22 **grandparenting** time order. If the court finds there is good cause  
23 to allow a grandparent **or great grandparent** to file more than 1  
24 complaint or motion under this section in a 2-year period, the  
25 court shall allow the filing and shall consider the complaint or  
26 motion. Upon motion of a person, the court may order reasonable  
27 attorney fees to the prevailing party.

28 (9) The court shall not enter an order prohibiting an  
29 individual who has legal custody of a child from changing the

1 domicile of the child if the prohibition is primarily for the  
2 purpose of allowing a grandparent **or great grandparent** to exercise  
3 the rights conferred in a grandparenting **or great grandparenting**  
4 time order entered under this section.

5 (10) A grandparenting **or great grandparenting** time order  
6 entered under this section does not create parental rights in the  
7 individual or individuals to whom grandparenting **or great**  
8 **grandparenting** time rights are granted. The entry of a  
9 grandparenting **or great grandparenting** time order does not prevent  
10 a court of competent jurisdiction from acting upon the custody of  
11 the child, the parental rights of the child, or the adoption of the  
12 child.

13 (11) A court shall not modify or terminate a grandparenting **or**  
14 **great grandparenting** time order entered under this section unless  
15 it finds by a preponderance of the evidence, on the basis of facts  
16 that have arisen since entry of the grandparenting **or great**  
17 **grandparenting** time order or were unknown to the court at the time  
18 it entered that order, that a change has occurred in the  
19 circumstances of the child or ~~his or her~~ **the child's** custodian and  
20 that a modification or termination of the existing order is  
21 necessary to avoid creating a substantial risk of harm to the  
22 mental, physical, or emotional health of the child. A court  
23 modifying or terminating a grandparenting **or great grandparenting**  
24 time order under this subsection shall include specific findings of  
25 fact in its order in support of its decision.

26 (12) A court shall make a record of its analysis and findings  
27 under subsections (4), (6), (8), and (11), including the reasons  
28 for granting or denying a requested grandparenting **or great**  
29 **grandparenting** time order.

1           (13) Except as otherwise provided in this subsection, adoption  
2 of a child or placement of a child for adoption under the Michigan  
3 adoption code, chapter X of the probate code of 1939, 1939 PA 288,  
4 MCL 710.21 to 710.70, terminates the right of a grandparent **or**  
5 **great grandparent** to commence an action for grandparenting **or great**  
6 **grandparenting** time with that child. Adoption of a child by a  
7 stepparent under the Michigan adoption code, chapter X of the  
8 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, does not  
9 terminate the right of the parent **or grandparent** of a deceased  
10 parent of the child to commence an action for grandparenting **or**  
11 **great grandparenting** time with that child.