

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



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1244 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Bill Bullard, Jr.

Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Child Custody Act to specify that a child whose parental custody was governed by court order would have a legal residence with each parent. The bill also would prohibit a parent of such a child from changing the child's legal residence to a location more than 100 miles from the child's legal residence at the time of the commencement of the action in which the custody order was issued.

The restriction on relocation would not apply, however, if the other parent consented or the court permitted the residence change. The bill would not apply if the custody order granted sole legal custody to one parent, the child's two legal residences were more than 100 miles apart at the time of the commencement of the action in which the custody order was issued, or the residence change resulted in the child's two legal residences being closer than they were previously.

Before permitting a change of residence to a location more than 100 miles away, the court would have to consider each of the following factors, with the child as the primary focus: whether the residence change had the capacity to improve the quality of life for both the child and the relocating parent; the degree to which each parent had complied with, and used his or her time under, a court order governing parenting time with the child, and whether the parent's plan to change the child's residence was inspired by that parent's desire to defeat or frustrate the parenting time schedule; the degree to which the court was satisfied that, if the court permitted the residence change, it was possible to order a modification of the parenting time schedule and other arrangements governing the child's residence in a manner that could provide an adequate basis for preserving and fostering the relationship between the child and each parent and whether each parent was likely to comply with the modification; the extent to which the parent opposing the residence change was motivated by a desire to secure a financial advantage with respect to a support obligation; and domestic violence, regardless of whether the violence was directed against or witnessed by the child.

Each order determining or modifying custody or parenting time, would have to state the parents' agreement as to how a change of either of the child's legal residences would be handled. If the parents did not agree on that provision, the court would have to include a provision that neither parent could relocate the legal residence of a child governed by the custody order except in compliance with the bill.

Proposed MCL 722.31

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local Friend of the Court offices. The extent to which additional investigations and referee hearings could be required cannot be estimated.

Date Completed: 6-6-00

Fiscal Analyst: B. Bowerman