

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1244

A bill to amend 1970 PA 91, entitled  
"Child custody act of 1970,"  
(MCL 722.21 to 722.30) by adding section 11.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 11. (1) A CHILD WHOSE PARENTAL CUSTODY IS GOVERNED BY  
2 COURT ORDER HAS, FOR THE PURPOSES OF THIS SECTION, A LEGAL RESI-  
3 DENCE WITH EACH PARENT. EXCEPT AS OTHERWISE PROVIDED IN THIS  
4 SECTION, A PARENT OF A CHILD WHOSE CUSTODY IS GOVERNED BY COURT  
5 ORDER SHALL NOT CHANGE A LEGAL RESIDENCE OF THE CHILD TO A LOCA-  
6 TION THAT IS MORE THAN 100 MILES FROM THE CHILD'S LEGAL RESIDENCE  
7 AT THE TIME OF THE COMMENCEMENT OF THE ACTION IN WHICH THE ORDER  
8 IS ISSUED.

9        (2) A PARENT'S CHANGE OF A CHILD'S LEGAL RESIDENCE IS NOT  
10 RESTRICTED BY SUBSECTION (1) IF THE OTHER PARENT CONSENTS TO, OR  
11 IF THE COURT, AFTER COMPLYING WITH SUBSECTION (4), PERMITS, THE

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1 RESIDENCE CHANGE. THIS SECTION DOES NOT APPLY IF THE ORDER  
2 GOVERNING THE CHILD'S CUSTODY GRANTS SOLE LEGAL CUSTODY TO 1 OF  
3 THE CHILD'S PARENTS.

4 (3) THIS SECTION DOES NOT APPLY IF, AT THE TIME OF THE COM-  
5 MENCEMENT OF THE ACTION IN WHICH THE CUSTODY ORDER IS ISSUED, THE  
6 CHILD'S 2 RESIDENCES WERE MORE THAN 100 MILES APART. THIS SEC-  
7 TION DOES NOT APPLY IF THE LEGAL RESIDENCE CHANGE RESULTS IN THE  
8 CHILD'S 2 LEGAL RESIDENCES BEING CLOSER TO EACH OTHER THAN BEFORE  
9 THE CHANGE.

10 (4) BEFORE PERMITTING A LEGAL RESIDENCE CHANGE OTHERWISE  
11 RESTRICTED BY SUBSECTION (1), THE COURT SHALL CONSIDER EACH OF  
12 THE FOLLOWING FACTORS, WITH THE CHILD AS THE PRIMARY FOCUS IN THE  
13 COURT'S DELIBERATIONS:

14 (A) WHETHER THE LEGAL RESIDENCE CHANGE HAS THE CAPACITY TO  
15 IMPROVE THE QUALITY OF LIFE FOR BOTH THE CHILD AND THE RELOCATING  
16 PARENT.

17 (B) THE DEGREE TO WHICH EACH PARENT HAS COMPLIED WITH, AND  
18 UTILIZED HIS OR HER TIME UNDER, A COURT ORDER GOVERNING PARENTING  
19 TIME WITH THE CHILD, AND WHETHER THE PARENT'S PLAN TO CHANGE THE  
20 CHILD'S LEGAL RESIDENCE IS INSPIRED BY THAT PARENT'S DESIRE TO  
21 DEFEAT OR FRUSTRATE THE PARENTING TIME SCHEDULE.

22 (C) THE DEGREE TO WHICH THE COURT IS SATISFIED THAT, IF THE  
23 COURT PERMITS THE LEGAL RESIDENCE CHANGE, IT IS POSSIBLE TO ORDER  
24 A MODIFICATION OF THE PARENTING TIME SCHEDULE AND OTHER ARRANGE-  
25 MENTS GOVERNING THE CHILD'S SCHEDULE IN A MANNER THAT CAN PROVIDE  
26 AN ADEQUATE BASIS FOR PRESERVING AND FOSTERING THE PARENTAL

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1 RELATIONSHIP BETWEEN THE CHILD AND EACH PARENT; AND WHETHER EACH  
2 PARENT IS LIKELY TO COMPLY WITH THE MODIFICATION.

3 (D) THE EXTENT TO WHICH THE PARENT OPPOSING THE LEGAL RESI-  
4 DENCE CHANGE IS MOTIVATED BY A DESIRE TO SECURE A FINANCIAL  
5 ADVANTAGE WITH RESPECT TO A SUPPORT OBLIGATION.

6 (E) DOMESTIC VIOLENCE, REGARDLESS OF WHETHER THE VIOLENCE  
7 WAS DIRECTED AGAINST OR WITNESSED BY THE CHILD.

8 (5) EACH ORDER DETERMINING OR MODIFYING CUSTODY OR PARENTING  
9 TIME OF A CHILD SHALL INCLUDE A PROVISION STATING THE PARENT'S  
10 AGREEMENT AS TO HOW A CHANGE IN EITHER OF THE CHILD'S LEGAL RESI-  
11 DENCES WILL BE HANDLED. IF SUCH A PROVISION IS INCLUDED IN THE  
12 ORDER AND A CHILD'S LEGAL RESIDENCE CHANGE IS DONE IN COMPLIANCE  
13 WITH THAT PROVISION, THIS SECTION DOES NOT APPLY. IF THE PARENTS  
14 DO NOT AGREE ON SUCH A PROVISION, THE COURT SHALL INCLUDE IN THE  
15 ORDER THE FOLLOWING PROVISION: "A PARENT WHOSE CUSTODY OR PAR-  
16 ENTING TIME OF A CHILD IS GOVERNED BY THIS ORDER SHALL NOT CHANGE  
17 THE LEGAL RESIDENCE OF THE CHILD EXCEPT IN COMPLIANCE WITH  
18 SECTION 11 OF THE "CHILD CUSTODY ACT OF 1970", 1970 PA 91, MCL  
19 722.31."

20 (6) IF THIS SECTION APPLIES TO A CHANGE OF A CHILD'S LEGAL  
21 RESIDENCE AND THE PARENT SEEKING TO CHANGE THAT LEGAL RESIDENCE  
22 NEEDS TO SEEK A SAFE LOCATION FROM THE THREAT OF DOMESTIC VIO-  
23 LENCE, THE PARENT MAY MOVE TO SUCH A LOCATION WITH THE CHILD  
24 UNTIL THE COURT MAKES A DETERMINATION UNDER THIS SECTION.