



HOUSE BILL No. 5490

March 8, 2000, Introduced by Rep. Voorhees and referred to the Committee on Family and Civil Law.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending section 6b (MCL 722.26b), as amended by 1993 PA 259.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6b. (1) Except as otherwise provided in subsection
2 (2), a guardian or limited guardian of a child has standing to
3 bring an action for custody of the child ~~pursuant to~~ AS PRO-
4 VIDED IN this act.

5 (2) A limited guardian of a child does not have standing to
6 bring an action for custody of the child if the parent or parents
7 of the child have substantially complied with a limited guardian-
8 ship placement plan regarding the child entered into ~~pursuant to~~
9 ~~section 424a of the revised probate code, Act No. 642 of the~~
10 ~~Public Acts of 1978, being section 700.424a of the Michigan~~

1 ~~Compiled Laws~~ AS REQUIRED BY SECTION 5205 OF THE ESTATES AND
2 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5205.

3 (3) If the circuit court does not have prior continuing
4 jurisdiction over the child, a child custody action brought by a
5 guardian or limited guardian of the child shall be filed in the
6 circuit court in the county in which the probate court appointed
7 the guardian.

8 (4) Upon the filing of a child custody action brought by a
9 CHILD'S guardian or limited guardian, ~~of the child, all~~ guard-
10 ianship proceedings concerning that child in the probate court
11 ~~shall be~~ ARE stayed until disposition of the child custody
12 action. ~~An order of the~~ A probate court ORDER concerning the
13 guardianship of the child ~~shall continue~~ CONTINUES in force
14 until superseded by ~~an order of the~~ A circuit court ORDER. If
15 the circuit court awards custody of the child, it shall send a
16 copy of the judgment or order of disposition to the probate court
17 in the county that appointed the CHILD'S guardian or limited
18 guardian. ~~for the child.~~

19 (5) If a CHILD'S guardian or limited guardian ~~of a child~~
20 brings a child custody action, the circuit court shall request
21 the supreme court ~~pursuant to~~ IN ACCORDANCE WITH section 225 of
22 the revised judicature act of 1961, ~~Act No. 236 of the Public~~
23 ~~Acts of 1961, being section 600.225 of the Michigan Compiled~~
24 ~~Laws~~ 1961 PA 236, MCL 600.225, to assign ~~the judge of~~ the pro-
25 bate court JUDGE who appointed that guardian or limited guardian
26 to serve as ~~a judge of~~ the circuit court JUDGE and hear the
27 child custody action.

1 Enacting section 1. This amendatory act takes effect April
2 1, 2000.