

Legislative Analysis



JOINT CUSTODY PRESUMPTION

Phone: (517) 373-8080
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House Bill 4141 as introduced
Sponsor: Rep. Jim Runestad
Committee: Families, Children, and Seniors
Complete to 9-20-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would amend the Child Custody Act of 1970 to require the court to order joint custody in a custody or parenting time dispute between parents unless it determines that a parent is unfit, unwilling or unable to care for the child. A parent could only be determined to be unfit if parental rights are subject to termination under the Probate Code (MCL 712A.19B).

In a custody dispute between parents, the court would need to state on the record the reason for not awarding joint custody. However, if the parents agree in writing to a custody agreement, the court would have to grant the custody arrangement unless one parent is found to be unfit.

If the court awards joint custody, it would have to issue a specific parenting time schedule for each parent and provide that physical custody is shared by the parents for specific and substantial equal periods of time.

Current language regarding the court's consideration of joint custody would be struck. Further, the definition of "joint custody" would be amended to read as follows:

An order of court in which the child resides alternatively for specific *and substantially equal* periods of time with each parent and the parents share decision making authority as to *all of* the important decisions affecting the welfare of the child, *including the child's education, religious training, and medical treatment*. (Text in italics indicates the proposed new language.)

FISCAL IMPACT:

House Bill 4141 would have no significant fiscal impact on the Department of Health and Human Services or on the state judiciary or local court funding systems.

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