

HOUSE BILL NO. 6006

September 26, 2024, Introduced by Reps. MacDonell, Neeley, Young, Byrnes, Brenda Carter, O'Neal and Aiyash and referred to the Committee on Families, Children and Seniors.

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 3, 5, 6a, 7, and 7a (MCL 722.23, 722.25, 722.26a, 722.27, and 722.27a), section 3 as amended by 2016 PA 95, sections 5 and 7a as amended by 2016 PA 96, section 6a as added by 1980 PA 434, and section 7 as amended by 2015 PA 52, and by adding section 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act, "best interests of the child"
2 means the sum total of the following factors to be considered,

1 evaluated, and determined by the court **in a way that safeguards and**
2 **enhances the welfare of the child:**

3 (a) The love, affection, and other emotional ties existing
4 between the parties involved and the child.

5 (b) The capacity and disposition of the parties involved to
6 give the child love, affection, and guidance and to continue the
7 education and raising of the child in his or her religion or creed,
8 if any.

9 (c) The capacity and disposition of the parties involved to
10 provide the child with food, clothing, medical care or other
11 remedial care recognized and permitted under the laws of this state
12 in place of medical care, and other material needs.

13 (d) The length of time the child has lived in a stable,
14 satisfactory environment, and the desirability of maintaining
15 continuity.

16 (e) The permanence, as a family unit, of the existing or
17 proposed custodial home or homes.

18 (f) The moral fitness of the parties involved.

19 (g) The mental and physical health of the parties involved.

20 (h) The home, school, and community record of the child.

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

23 (j) The willingness and ability of each of the parties to
24 facilitate and encourage a close and continuing parent-child
25 relationship between the child and the other parent or the child
26 and the parents. A court may not consider negatively for the
27 purposes of this factor any reasonable action taken by a parent to
28 protect a child or that parent from sexual assault or domestic
29 violence by the child's other parent.

1 (k) Domestic violence, regardless of whether the violence was
2 directed against or witnessed by the child.

3 (l) Any other factor considered by the court to be relevant to
4 a particular child custody dispute.

5 **Sec. 4b. (1) In a qualified child custody proceeding in which**
6 **a parent has been alleged to have committed a qualified act, all of**
7 **the following apply:**

8 (a) Before the court makes a finding with respect to the
9 allegation, the court must consider any admissible and relevant
10 qualified evidence. As used in this subdivision, "qualified
11 evidence" means evidence that is probative of whether the parent
12 has committed a qualified act and includes, but is not limited to,
13 all of the following:

14 (i) Each qualified protection order or restraining order
15 against the parent.

16 (ii) Each arrest of the parent for a qualified act.

17 (iii) Each conviction of the parent for a qualified act.

18 (iv) Each medical record that relates to the allegation.

19 (v) Each letter that is from a victim advocate or victim
20 service provider and relates to the allegation.

21 (vi) Either of the following:

22 (A) Each evidence-based risk, lethality, or danger assessment
23 tool completed by a victim service provider, victim advocate, or
24 health professional.

25 (B) A risk factors or lethality assessment completed by law
26 enforcement as part of a standard domestic relationship incident
27 report.

28 (b) If the court finds that a parent who has been alleged to
29 have committed a qualified act did not commit the qualified act,

1 the finding does not preclude the court from considering
2 information described in subdivision (a), or finding that the
3 parent committed a qualified act, at a later time.

4 (c) Evidence that is from an expert and relates to the alleged
5 qualified act may be admitted only if the expert demonstrates
6 expertise and at least 5 years of experience, 2 of which are with
7 direct services to victims of a qualified act, and the expertise
8 and experience are not solely of a forensic nature.

9 (2) In a qualified child custody proceeding, all of the
10 following apply:

11 (a) A court shall not remove a child from a parent or third
12 person who is both of the following, if the only intention for the
13 removal is to improve a deficient relationship with a parent of the
14 child:

15 (i) Competent, protective, and not physically, emotionally, or
16 sexually abusive.

17 (ii) An individual with whom the child is bonded or to whom the
18 child is attached.

19 (b) A court shall not restrict contact between a child and a
20 parent or third person who is both of the following, if the only
21 intention for the restriction is to improve a deficient
22 relationship with a parent of the child:

23 (i) Competent, protective, and not physically, emotionally, or
24 sexually abusive.

25 (ii) An individual with whom the child is bonded or to whom the
26 child is attached.

27 (c) A court shall not order a reunification treatment unless
28 there is generally accepted and scientifically valid proof of the
29 safety, effectiveness, and therapeutic value of the reunification

1 treatment.

2 (d) A court shall not order a reunification treatment that is
3 predicated on cutting off a child from a parent with whom the child
4 is bonded or to whom the child is attached.

5 (e) If a child resists contact with the abusive parent, the
6 court, in any order to remediate the child's resistance, must
7 primarily address the behavior of the abusive parent or the
8 contributions of the abusive parent before ordering the other
9 parent of the child to take steps to improve the relationship of
10 the child with the abusive parent.

11 (3) As used in this section:

12 (a) "Domestic violence" means that term as defined in section
13 1 of 1978 PA 389, MCL 400.1501.

14 (b) "Forensic" means professional work that a court orders for
15 assistance in a child custody dispute, including, but not limited
16 to, the evaluation or treatment of a party to the dispute or a
17 child of a party to the dispute.

18 (c) "Qualified act" means any of the following:

19 (i) Child abuse, including, but not limited to, child sexual
20 abuse.

21 (ii) Domestic violence.

22 (iii) Physical abuse.

23 (iv) Sexual abuse or sexual violence.

24 (v) A pattern of any other coercive behavior committed to gain
25 or maintain power and control over a victim, including, but not
26 limited to, any of the following behavior:

27 (A) Verbal abuse.

28 (B) Psychological abuse.

29 (C) Economic abuse.

1 (D) Technological abuse.

2 (d) "Qualified child custody proceeding" means a private
3 family court proceeding in state or local court that, with respect
4 to a child, involves the care or custody of the child in a private
5 divorce, separation, visitation, paternity, child support, legal or
6 physical custody, or civil protection order proceeding between the
7 parents of the child. Qualified child custody proceeding does not
8 include any of the following:

9 (i) A child protective, abuse, or neglect proceeding.

10 (ii) A juvenile justice proceeding.

11 (iii) A child placement proceeding in which a state, local, or
12 tribal government, a designee of such a government, or any
13 contracted child welfare agency or child protective services agency
14 of such a government is a party to the proceeding.

15 (e) "Qualified protection order or restraining order" means
16 protection order or restraining order as that term is described in
17 34 USC 12291.

18 (f) "Reunification treatment" means a treatment or therapy
19 aimed at reuniting or reestablishing a relationship between a child
20 and an estranged or rejected parent or other family member of the
21 child.

22 (g) "Technological abuse" means an act or pattern of behavior
23 that occurs within domestic violence, sexual assault, dating
24 violence, or stalking and that is intended to harm, threaten,
25 intimidate, control, stalk, harass, impersonate, exploit, extort,
26 or monitor, except as otherwise permitted by law, another person,
27 using any form of technology, including, but not limited to,
28 internet-enabled devices, online spaces and platforms, computers,
29 mobile devices, cameras and imaging programs, apps, location

1 tracking devices, or communication technologies, or any other
2 emerging technologies.

3 (h) "Victim advocate" means a person, whether paid or serving
4 as a volunteer, who provides services to victims of domestic
5 violence, sexual assault, stalking, or dating violence under the
6 auspices or supervision of a victim service provider.

7 (i) "Victim service provider" means a nonprofit,
8 nongovernmental, or tribal organization or rape crisis center,
9 including a state or tribal coalition, that assists victims of or
10 advocates for victims of domestic violence, dating violence, sexual
11 assault, or stalking. A provider described in this subdivision
12 includes, but is not limited to, a domestic violence shelter, a
13 faith-based organization, and other organization, with a documented
14 history of effective work concerning domestic violence, dating
15 violence, sexual assault, or stalking.

16 Sec. 5. (1) If a child custody dispute is between the parents,
17 between agencies, or between third persons, the best interests of
18 the child control. If the child custody dispute is between the
19 parent or parents and an agency or a third person, the court shall
20 presume that the best interests of the child are served by awarding
21 custody to the parent or parents, unless the contrary is
22 established by clear and convincing evidence.

23 (2) Notwithstanding **any** other ~~provisions~~**provision** of this
24 act, if a child custody dispute involves a child who is conceived
25 as the result of acts for which 1 of the child's biological parents
26 is convicted of criminal sexual conduct as provided in sections
27 520a to 520e and 520g of the Michigan penal code, 1931 PA 328, MCL
28 750.520a to 750.520e and 750.520g, or a substantially similar
29 statute of another state or the federal government, or is found by

1 clear and convincing evidence in a fact-finding hearing to have
2 committed acts of nonconsensual sexual penetration, the court shall
3 not award custody to that biological parent. This subsection does
4 not apply to a conviction under section 520d(1)(a) of the Michigan
5 penal code, 1931 PA 328, MCL 750.520d. This subsection does not
6 apply if, after the date of the conviction, or the date of the
7 finding in a fact-finding hearing described in this subsection, the
8 biological parents cohabit and establish a mutual custodial
9 environment for the child.

10 (3) An offending parent is not entitled to custody of a child
11 described in subsection (2) without the consent of that child's
12 other parent or guardian.

13 (4) Notwithstanding **any** other ~~provisions~~ **provision** of this
14 act, subsection (2) does not relieve an offending parent of any
15 support or maintenance obligation to the child. The other parent or
16 the guardian of the child may decline support or maintenance from
17 the offending parent.

18 (5) A parent may assert an affirmative defense of the
19 provisions of subsection (2) in a proceeding brought by the
20 offending parent regarding a child described in subsection (2).

21 (6) Notwithstanding **any** other ~~provisions~~ **provision** of this
22 act, if an individual is convicted of criminal sexual conduct as
23 provided in sections 520a to 520e and 520g of the Michigan penal
24 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, and the
25 victim is the individual's child, the court shall not award custody
26 of that child or a sibling of that child to that individual, unless
27 both the child's other parent and, if the court considers the child
28 or sibling to be of sufficient age to express ~~his or her~~ **the**
29 **child's or sibling's** desires, the child or sibling consent to the

1 custody.

2 (7) **If a child custody dispute involves an abusive parent**
3 **described in section 7, the court shall not award custody to the**
4 **abusive parent.**

5 (8) ~~(7)~~—As used in this section, "offending parent" means a
6 parent who has been convicted of criminal sexual conduct as
7 described in subsection (2) or ~~who~~ has been found by clear and
8 convincing evidence in a fact-finding hearing to have committed
9 acts of nonconsensual sexual penetration as described in subsection
10 (2).

11 Sec. 6a. (1) In **a child custody disputes—dispute** between
12 parents, the parents ~~shall—must~~ be advised of joint custody. At the
13 request of either parent, the court shall consider an award of
14 joint custody ~~—and shall state,~~ on the record, the reasons for
15 granting or denying ~~a—the~~ request. **An abusive parent described in**
16 **section 7 is not eligible for joint custody.** In other cases, joint
17 custody may be considered by the court. The court shall determine
18 whether joint custody is in the best ~~interest—interests~~ of the
19 child by considering the following factors:

20 (a) The factors enumerated in section 3.

21 (b) Whether the parents will be able to cooperate and
22 generally agree ~~concerning—on~~ important decisions ~~affecting—that~~
23 **affect** the welfare of the child.

24 (2) If the parents agree on joint custody, the court shall
25 award joint custody unless the court determines, on the record ~~—~~
26 **and based upon—on** clear and convincing evidence, that joint custody
27 is not in the best interests of the child.

28 (3) If the court awards joint custody, **in the court's award,**
29 the court may include ~~in its award—~~ a statement regarding when the

1 child ~~shall~~**will** reside with each parent ~~, or may~~ provide that
 2 physical custody **must** be shared by the parents in a manner ~~to~~
 3 ~~assure~~**that ensures that** the child ~~continuing~~**continues** contact
 4 with both parents.

5 (4) During the time a child resides with a parent, ~~that~~**the**
 6 parent shall decide all routine matters ~~concerning~~**that concern** the
 7 child.

8 (5) If there is a dispute regarding residency, the court shall
 9 state the basis for a residency award on the record or in writing.

10 (6) Joint custody ~~shall~~**does** not eliminate the responsibility
 11 for child support. Each parent ~~shall be~~**is** responsible for child
 12 support based on the needs of the child and the actual resources of
 13 each parent. If a parent would otherwise be unable to maintain
 14 adequate housing for the child and the other parent has sufficient
 15 resources, the court may order modified support payments for a
 16 portion of housing expenses, even during a period when the child is
 17 not residing in the home of the parent receiving support. An order
 18 of joint custody, in and of itself, ~~shall~~**does** not constitute
 19 grounds for modifying a support order.

20 (7) As used in this section, "joint custody" means an order of
 21 the court in which 1 or both of the following is specified:

22 (a) That the child ~~shall~~**will** reside alternately, **and** for
 23 specific periods, with each of the parents.

24 (b) That the parents ~~shall~~**will** share decision-making
 25 authority ~~as to~~**on** the important decisions ~~affecting~~**that affect**
 26 the welfare of the child.

27 Sec. 7. (1) If a child custody dispute has been submitted to
 28 the circuit court as an original action under this act or has
 29 arisen incidentally from another action in the circuit court or an

1 order or judgment of the circuit court, for the best interests of
2 the child, the court may do 1 or more of the following:

3 (a) Award the custody of the child to 1 or more of the parties
4 involved or to others and provide for payment of support for the
5 child ~~—~~until the child reaches 18 years of age, **but the court**
6 **shall not award custody of the child to an abusive parent of the**
7 **child.** Subject to section 5b of the support and parenting time
8 enforcement act, 1982 PA 295, MCL 552.605b, the court may also
9 order support as provided in this section for a child after ~~he or~~
10 ~~she~~**the child** reaches 18 years of age. The court may require that
11 support payments ~~shall~~**must** be made through the friend of the
12 court, court clerk, or state disbursement unit.

13 (b) Provide for reasonable parenting time of the child by the
14 parties involved, by the maternal or paternal grandparents, or by
15 others, by general or specific terms and conditions. Parenting time
16 of the child by the parents is governed by section 7a.

17 (c) Subject to subsection (3), modify or amend its previous
18 judgments or orders for proper cause shown or because of **a** change
19 of circumstances until the child reaches 18 years of age and,
20 subject to section 5b of the support and parenting time enforcement
21 act, 1982 PA 295, MCL 552.605b, until the child reaches 19 years
22 and 6 months of age. The court shall not modify or amend its
23 previous judgments or orders or issue a new order so as to change
24 the established custodial environment of a child unless there is
25 presented clear and convincing evidence that it is in the best
26 ~~interest~~**interests** of the child. The custodial environment of a
27 child is established if over an appreciable time the child
28 naturally looks to the custodian in that environment for guidance,
29 discipline, the necessities of life, and parental comfort. The age

1 of the child, the physical environment, and the inclination of the
 2 custodian and the child as to permanency of the relationship ~~shall~~
 3 **must** also be considered. If a motion for change of custody is filed
 4 while a parent is active duty, the court shall not consider a
 5 parent's absence due to that active duty status in a best ~~interest~~
 6 **interests** of the child determination.

7 (d) Utilize a guardian ad litem or the community resources in
 8 behavioral sciences and other professions in the investigation and
 9 study of custody disputes and consider their recommendations for
 10 the resolution of the disputes.

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

13 (f) ~~Upon~~**On** petition, consider the reasonable grandparenting
 14 time of maternal or paternal grandparents as provided in section 7b
 15 and, if denied, make a record of the denial.

16 (2) A judgment or order **that is** entered under this act
 17 ~~providing~~**and provides** for the support of a child is governed by
 18 and is enforceable as provided in the support and parenting time
 19 enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act
 20 contains a specific provision regarding the contents or enforcement
 21 of a support order that conflicts with a provision in the support
 22 and parenting time enforcement act, 1982 PA 295, MCL 552.601 to
 23 552.650, this act controls in regard to that provision.

24 (3) As provided in the servicemembers civil relief act, 50 USC
 25 ~~501-3901 to 597b,~~**4043**, if a motion for change of custody is filed
 26 during the time a parent is on deployment, a parent may file and
 27 the court shall entertain an application for stay. The court shall
 28 not enter an order modifying or amending a previous judgment or
 29 order, or issue a new order, that changes the child's placement

1 that existed on the date the parent was called to deployment,
 2 except that the court may enter a temporary custody order if there
 3 is clear and convincing evidence that it is in the best interests
 4 of the child. ~~When~~**If** a temporary custody order is issued under
 5 this subsection, the court may include a limit on the period of
 6 time that the temporary custody order remains in effect. At any
 7 stage before final judgment in the proceeding, the parent may file
 8 an application for stay or otherwise request a stay of the
 9 proceedings or file an application for an extension of a stay. The
 10 parent and the custodial child are not required to be present to
 11 consider the application for stay or extension of a stay. The
 12 application for stay or extension of a stay is sufficient if it is
 13 a signed, written statement ~~,~~**and** certified to be true under
 14 penalty of perjury. The same conditions for the initial stay apply
 15 to an application for an extension of a stay. The parent's duration
 16 of deployment ~~shall~~**must** not be considered in making a best
 17 ~~interest~~**interests** of the child determination.

18 (4) The parent shall inform the court of the deployment end
 19 date ~~before or within~~**not later than** 30 days after that deployment
 20 end date. ~~Upon~~**On** notification of a parent's deployment end date,
 21 the court shall reinstate the custody order in effect immediately
 22 preceding that period of deployment. If a motion for change of
 23 custody is filed after a parent returns from deployment, the court
 24 shall not consider a parent's absence due to that deployment in
 25 making a best ~~interest~~**interests** of the child determination. Future
 26 deployments ~~shall~~**must** not be considered in making a best ~~interest~~
 27 **interests** of the child determination.

28 (5) If the deploying parent and the other parent share
 29 custody, the deploying parent ~~must~~**shall** notify the other parent of

1 an upcoming deployment within a reasonable period of time.

2 Sec. 7a. (1) Parenting time ~~shall~~**must** be granted in
3 accordance with the best interests of the child. It is presumed to
4 be in the best interests of a child for the child to have a strong
5 relationship with both of ~~his or her~~**the child's** parents. Except as
6 otherwise provided in this section, parenting time ~~shall~~**must** be
7 granted to a parent in a frequency, duration, and type reasonably
8 calculated to promote a strong relationship between the child and
9 the parent granted parenting time.

10 (2) If the parents of a child agree on parenting time terms,
11 the court shall order the parenting time terms unless the court
12 determines on the record by clear and convincing evidence that the
13 parenting time terms are not in the best interests of the child.

14 (3) A child has a right to parenting time with a parent unless
15 it is shown on the record by clear and convincing evidence that it
16 would endanger the child's physical, mental, or emotional health.

17 (4) Notwithstanding **any** other ~~provisions~~**provision** of this
18 act, if a proceeding regarding parenting time involves a child who
19 is conceived as the result of acts for which 1 of the child's
20 biological parents is convicted of criminal sexual conduct as
21 provided in sections 520a to 520e and 520g of the Michigan penal
22 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, or a
23 substantially similar statute of another state or the federal
24 government, or is found by clear and convincing evidence in a fact-
25 finding hearing to have committed acts of nonconsensual sexual
26 penetration, the court shall not grant parenting time to that
27 biological parent. This subsection does not apply to a conviction
28 under section 520d(1)(a) of the Michigan penal code, 1931 PA 328,
29 MCL 750.520d. This subsection does not apply if, after the date of

1 the conviction, or the date of the finding in a fact-finding
2 hearing described in this subsection, the biological parents
3 cohabit and establish a mutual custodial environment for the child.

4 (5) A parent may assert an affirmative defense of the
5 provisions of subsection (4) in a proceeding brought by the
6 offending parent regarding a child described in subsection (4).

7 (6) Notwithstanding **any** other ~~provisions~~**provision** of this
8 act, if an individual is convicted of criminal sexual conduct as
9 provided in sections 520a to 520e and 520g of the Michigan penal
10 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, and the
11 victim is the individual's child, the court shall not grant
12 parenting time with that child or a sibling of that child to that
13 individual, unless both the child's other parent and, if the court
14 considers the child or sibling to be of sufficient age to express
15 ~~his or her~~**the child's or sibling's** desires, the child or sibling
16 consent to the parenting time.

17 (7) The court may consider the following factors when
18 determining the frequency, duration, and type of parenting time to
19 be granted:

20 (a) The existence of any special circumstances or needs of the
21 child.

22 (b) Whether the child is a nursing child less than 6 months of
23 age, or less than 1 year of age if the child receives substantial
24 nutrition through nursing.

25 (c) The reasonable likelihood of abuse or neglect of the child
26 during parenting time.

27 (d) The reasonable likelihood of abuse of a parent resulting
28 from the exercise of parenting time.

29 (e) The inconvenience to, and burdensome impact or effect on,

1 the child of traveling for ~~purposes~~**the purpose** of parenting time.

2 (f) Whether a parent can reasonably be expected to exercise
3 parenting time in accordance with the court order.

4 (g) Whether a parent has frequently failed to exercise
5 reasonable parenting time.

6 (h) The threatened or actual detention of the child with the
7 intent to retain or conceal the child from the other parent or from
8 a third person who has legal custody. A custodial parent's
9 temporary residence with the child in a domestic violence shelter
10 ~~shall~~**must** not be construed as evidence of the custodial parent's
11 intent to retain or conceal the child from the other parent.

12 (i) Any other relevant factors.

13 (8) Parenting time ~~shall~~**must** be granted in specific terms if
14 requested by either party at any time.

15 (9) A parenting time order may contain any reasonable terms or
16 conditions that facilitate the orderly and meaningful exercise of
17 parenting time by a parent, including 1 or more of the following:

18 (a) Division of the responsibility to transport the child.

19 (b) Division of the cost ~~of transporting to~~**transport** the
20 child.

21 (c) Restrictions on the presence of third persons during
22 parenting time.

23 (d) Requirements that the child be ready for parenting time at
24 a specific time.

25 (e) Requirements that the parent arrive for parenting time and
26 return the child from parenting time at specific times.

27 (f) Requirements that parenting time occur in the presence of
28 a third person or agency.

29 (g) Requirements that a party post a bond to ~~assure~~**ensure**

1 compliance with a parenting time order.

2 (h) Requirements of reasonable notice when parenting time will
3 not occur.

4 (i) Any other reasonable condition determined to be
5 appropriate in the particular case.

6 (10) Except as provided in this subsection, a parenting time
7 order ~~shall~~**must** contain a prohibition on exercising parenting time
8 in a country that is not a party to the Hague Convention on the
9 Civil Aspects of International Child Abduction. This subsection
10 does not apply if both parents provide the court with written
11 consent to allow a parent to exercise parenting time in a country
12 that is not a party to the Hague Convention on the Civil Aspects of
13 International Child Abduction.

14 **(11) If a court orders parenting time for an abusive parent**
15 **described in section 7, the parenting time order must require that**
16 **the parenting time for the abusive parent be supervised and**
17 **conducted in accordance with the guidelines for parenting time**
18 **published by the state court administrative office. The abusive**
19 **parent must bear the cost of the supervision.**

20 (12) ~~(11)~~ During the time a child is with a parent to whom
21 parenting time has been awarded, ~~that~~**the** parent shall decide all
22 routine matters ~~concerning~~**that concern** the child.

23 (13) ~~(12)~~ ~~Prior to~~**Before** entry of a temporary order, a parent
24 may seek an ex parte interim order concerning parenting time. If
25 the court enters an ex parte interim order concerning parenting
26 time, the party on whose motion the ex parte interim order is
27 entered shall have a true copy of the order served on the friend of
28 the court and the opposing party.

29 (14) ~~(13)~~ If the opposing party objects to the ex parte

1 interim order, ~~he or she~~ **the opposing party** shall file with the
2 clerk of the court, within 14 days after receiving notice of the
3 order, a written objection to, or a motion to modify or rescind,
4 the ex parte interim order. The opposing party shall have a true
5 copy of the written objection or motion served on the friend of the
6 court and the party who obtained the ex parte interim order.

7 **(15)** ~~(14)~~—If the opposing party files a written objection to
8 the ex parte interim order, the friend of the court shall attempt
9 to resolve the dispute within 14 days after receiving it. If the
10 matter cannot be resolved, the friend of the court shall provide
11 the opposing party with a form motion and order with written
12 instructions for their use in modifying or rescinding the ex parte
13 order without assistance of counsel. If the opposing party wishes
14 to proceed without assistance of counsel, the friend of the court
15 shall schedule a hearing with the court that ~~shall~~ **must** be held
16 within 21 days after the filing of the motion. If the opposing
17 party files a motion to modify or rescind the ex parte interim
18 order and requests a hearing, the court shall resolve the dispute
19 within 28 days after the hearing is requested.

20 **(16)** ~~(15)~~—An ex parte interim order issued under this section
21 ~~shall~~ **must** contain the following notice:

22 NOTICE:

23 1. You may file a written objection to this order or a motion
24 to modify or rescind this order. You must file the written
25 objection or motion with the clerk of the court within 14 days
26 after you were served with this order. You must serve a true copy
27 of the objection or motion on the friend of the court and the party
28 who obtained the order.

29 2. If you file a written objection, the friend of the court

1 must try to resolve the dispute. If the friend of the court cannot
2 resolve the dispute and if you wish to bring the matter before the
3 court without the assistance of counsel, the friend of the court
4 must provide you with form pleadings and written instructions and
5 must schedule a hearing with the court.

6 (17) ~~(16)~~ As provided in the servicemembers civil relief act,
7 50 USC ~~501-3901~~ to ~~597b~~, **4043**, if a motion for change of parenting
8 time is filed during the time a parent is on deployment, a parent
9 may file and the court shall entertain an application for stay. The
10 court shall presume that the best interests of the child are served
11 by not entering an order modifying or amending a previous judgment
12 or order, or issuing a new order, that changes the parenting time
13 that existed on the date the parent was called to deployment,
14 unless the contrary is established by clear and convincing
15 evidence, at which time the court may enter a temporary parenting
16 time order. ~~When~~ **If** a temporary parenting time order is issued
17 under this subsection, the court may include a limit on the period
18 of time that the temporary parenting time order remains in effect.
19 At any stage before final judgment in the proceeding, the parent
20 may file an application for stay or otherwise request a stay of
21 proceedings or file an application for an extension of a stay. The
22 parent and the custodial child are not required to be present to
23 consider the application for stay or extension of a stay. The
24 application for stay or extension of a stay is sufficient if it is
25 a signed, written statement ~~,~~ **and** certified to be true under
26 penalty of perjury. The same conditions for the initial stay apply
27 to applications for an extension of a stay.

28 (18) ~~(17)~~ The parent shall inform the court of the deployment
29 end date ~~before or within~~ **not later than** 30 days after that

1 deployment end date. ~~Upon~~**On** notification of a parent's deployment
 2 end date, the court shall reinstate the parenting time order in
 3 effect immediately preceding that period of deployment. If a motion
 4 for change of parenting time is filed after a parent returns from
 5 deployment, the court shall not consider a parent's absence due to
 6 that deployment in making a determination regarding change of
 7 parenting time. Future deployments ~~shall~~**must** not be considered in
 8 making a best ~~interest~~**interests** of the child determination.

9 **(19)** ~~(18)~~—If the deploying parent and the other parent share
 10 custody, the deploying parent ~~must~~**shall** notify the other parent of
 11 an upcoming deployment within a reasonable period of time.

12 **(20)** ~~(19)~~—As used in this section, "offending parent" means a
 13 parent who has been convicted of criminal sexual conduct as
 14 described in subsection (4) or ~~who~~ has been found by clear and
 15 convincing evidence in a fact-finding hearing to have committed
 16 acts of nonconsensual sexual penetration as described in subsection
 17 (4).

18 Enacting section 1. This amendatory act does not take effect
 19 unless all of the following bills of the 102nd Legislature are
 20 enacted into law:

21 (a) Senate Bill No. ____ or House Bill No. 6008 (request no.
 22 04150'23).

23 (b) Senate Bill No. ____ or House Bill No. 6007 (request no.
 24 05055'23).