

# HOUSE BILL No. 4844

May 20, 1991, Introduced by Reps. Gubow, Byrum, Brown, Berman, Johnson, Pitoniak, DeLange, DeMars and Hunter and referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 91 of the Public Acts of 1970, entitled as amended "Child custody act of 1970," as amended by Act No. 434 of the Public Acts of 1980, being section 722.23 of the Michigan Compiled Laws.

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

1 Section 1. Section 3 of Act No. 91 of the Public Acts of  
2 1970, as amended by Act No. 434 of the Public Acts of 1980, being  
3 section 722.23 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 3. (1) "Best interests of the child" means the sum  
6 total of the following factors to be considered, evaluated, and  
7 determined by the court:

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

1 (b) The capacity and disposition of the parties involved to  
2 give the child love, affection, and guidance and continuation of  
3 the educating and raising of the child in its religion or creed,  
4 if any.

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

9 (d) The length of time the child has lived in a stable, sat-  
10 isfactory environment, and the desirability of maintaining  
11 continuity.

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

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

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

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

17 (i) The reasonable preference of the child, if the court  
18 ~~deems~~ CONSIDERS the child to be of sufficient age to express  
19 preference.

20 (j) The willingness and ability of each of the parents to  
21 facilitate and encourage a close and continuing parent-child  
22 relationship between the child and the other parent.

23 (K) THE HISTORY OF DOMESTIC VIOLENCE BY ANY OF THE PARTIES  
24 INVOLVED.

25 (L) ~~(k)~~ Any other factor considered by the court to be  
26 relevant to a particular child custody dispute.

1           (2) A FINDING BY THE COURT OF A HISTORY OF DOMESTIC VIOLENCE  
2 UNDER SUBSECTION (1)(K) CREATES A REBUTTABLE PRESUMPTION OF HARM  
3 TO THE CHILD AND DETRIMENT TO THE RELATIONSHIP BETWEEN THE CHILD  
4 AND THE PERPETRATOR OF THE ACTS OF DOMESTIC VIOLENCE.