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## **HOUSE BILL No. 4844**

June 12, 2003, Introduced by Reps. Clack, Vagnozzi, Tobocman, Phillips, Smith, Paletko, Minore, Plakas, Stallworth, Gleason, Spade, Murphy, Williams, O'Neil, Sak and Farrah and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939,"

by amending section 64 of chapter X and section 10 of chapter XII (MCL 710.64 and 712.10), section 64 of chapter X as amended by 1996 PA 409 and section 10 of chapter XII as added by 2000 PA 232.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X

2 Sec. 64. (1) Upon the filing of a petition in court within

21 days after entry of any order under this chapter, and after

due notice to all interested parties, the judge may grant a

rehearing and may modify or set aside the order.

- (2) The court shall enter an order with respect to the
- 7 original hearing or rehearing of contested matters within 21 days
  - after the termination of the hearing or rehearing.

02941'03 CAS

- 1 (3) If a dispute arises under this chapter regarding the
- 2 legal custody of a child, proceedings on a petition to terminate
- 3 the parental rights of a parent of the child are stayed until a
- 4 decision is rendered in the legal custody dispute.
- 5 CHAPTER XII
- 6 Sec. 10. (1) If a biological parent wants custody of a
- 7 newborn who was surrendered under section 3 of this chapter, the
- 8 parent must, within 28 days after the newborn was surrendered,
- 9 file an action with the court for custody. The parent shall file
- 10 the custody action in 1 of the following counties:
- 11 (a) If the parent has located the newborn, the county where
- 12 the newborn is located.
- 13 (b) If subdivision (a) does not apply and the parent knows
- 14 the location of the emergency service provider to whom the
- 15 newborn was surrendered, the county where the emergency service
- 16 provider is located.
- 17 (c) If neither subdivision (a) nor (b) apply, the county
- 18 where the parent is located.
- 19 (2) Before holding a custody hearing in an action filed under
- 20 this section, the court shall determine whether the individual
- 21 filing the custody action is the newborn's biological parent.
- 22 (3) If a dispute arises under this chapter regarding the
- 23 legal custody of a child, proceedings on a petition to terminate
- 24 the parental rights of a parent of the child are stayed until a
- 25 decision is rendered in the legal custody dispute.

02941'03 Final Page CAS