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BILL



ANALYSIS

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Senate Bill 743 (Substitute S-2 as reported)

Sponsor: Senator Rick Jones

Committee: Judiciary

### **CONTENT**

The bill would create the "Uniform Child Abduction Prevention Act" to do the following:

- Allow a court to order abduction prevention measures in a child-custody proceeding if evidence established a credible risk of the child's abduction (that the child would be taken or retained in violation of custody or visitation rights).
- Allow a petition for abduction prevention measures to be filed in a court with jurisdiction to make a child-custody determination under the Uniform Child-Custody Jurisdiction and Enforcement Act.
- Specify information that a petition would have to contain, and factors that a court would have to consider in determining whether there was a credible risk of abduction.
- Allow a court to enter an order in response to a petition, and specify information that the order would have to include.
- Require a court to enter an abduction prevention order if, at a hearing on the petition or on the court's own motion, it found that there was a credible risk of abduction.
- Prohibit a court from issuing an abduction prevention order if it found that the respondent's conduct was intended to avoid domestic violence or imminent harm to the child or respondent.
- Specify restrictions, requirements, and prohibitions that an abduction prevention order could include.
- Allow a court to take physical custody of a child, including directing the use of law enforcement to locate and obtain the child, to prevent imminent abduction.
- Allow a court to issue an ex parte warrant to take physical custody of a child, if the court found that there was a credible risk of a child's imminent wrongful removal.

"Child" would mean an unemancipated individual under 18 years of age. "Abduction" would mean the wrongful removal or wrongful retention of a child. "Wrongful removal" would mean the taking of a child and "wrongful retention" would mean the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under Michigan law. Neither term would include actions taken to provide for the safety of the child or another party.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the uniform standards included in the bill increased the administrative workloads of various courts, local units of government could incur increased costs. Local law enforcement entities also could incur additional costs if the bill resulted in an increase in the number of ex parte bench warrants that must be executed.

Date Completed: 6-14-12

Fiscal Analyst: Dan O'Connor