

Legislative Analysis



CHILD CUSTODY: ACTIVE MILITARY DUTY

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Senate Bill 714 (Substitute S-2)

Sponsor: Sen. Patricia L. Birkholz

House Committee: Family and Children Services

Senate Committee: Judiciary

Complete to 12-6-05

A SUMMARY OF SENATE BILL 714 AS PASSED BY THE SENATE 11-8-05

The bill would amend the Child Custody Act to provide a definition of "active military duty." The term would mean *when a Reserve unit member or National Guard unit member is called into active military duty.*

The bill is tie-barred to House Bill 5100, which would amend the act to prohibit a court from modifying or amending a previous judgment or order, or issuing a new order, that changed a child's placement that existed on the date the child's parent was called to active military duty. (However, the court could enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child. Upon a parent's return from active military duty, the court would have to reinstate the custody order in effect immediately preceding the period of active military duty.) The House bill would also prohibit the court from considering a parent's absence due to military duty in a determination of the best interest of the child upon the parent's return from active military duty.

MCL 722.22

FISCAL IMPACT:

The bill would have no fiscal implications.

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