

SENATE BILL No. 535

May 25, 2005, Introduced by Senators JELINEK, ALLEN, HARDIMAN and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending section 3 (MCL 722.23), as amended by 1993 PA 259.

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,
3 evaluated, and determined by the court:

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

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

10 (c) The capacity and disposition of the parties involved to

1 provide the child with food, clothing, medical care or other
2 remedial care recognized and permitted under the laws of this state
3 in place of medical care, and other material needs.

4 (d) The length of time the child has lived in a stable,
5 satisfactory environment, and the desirability of maintaining
6 continuity.

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

9 (f) The moral fitness of the parties involved, **INCLUDING, BUT**
10 **NOT LIMITED TO, EVIDENCE OF CONTROLLED SUBSTANCE ABUSE OR**
11 **COMMISSION OF A CONTROLLED SUBSTANCE OFFENSE. AS USED IN THIS**
12 **SUBDIVISION:**

13 (i) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
14 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

15 (ii) "CONTROLLED SUBSTANCE ABUSE" MEANS EITHER THE FREQUENT AND
16 ROUTINE CONSUMPTION OF A CONTROLLED SUBSTANCE IN AN AMOUNT
17 EXCEEDING THE DOSAGE RECOMMENDED BY THE PRESCRIBER OR THE RECENT
18 CONSUMPTION OF A CONTROLLED SUBSTANCE FOR WHICH THE USER HAD NO
19 PRESCRIPTION OR FOR WHICH NO PRESCRIPTION IS AVAILABLE.

20 (iii) "CONTROLLED SUBSTANCE OFFENSE" MEANS A VIOLATION OF PART
21 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO
22 333.7461.

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

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

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

27 (j) The willingness and ability of each of the parties to

1 facilitate and encourage a close and continuing parent-child
2 relationship between the child and the other parent or the child
3 and the parents.

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

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