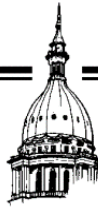




Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 131 (as reported without amendment)
Sponsor: Senator Hoon-Yung Hopgood
Committee: Judiciary

CONTENT

The bill would amend the Child Custody Act to do the following:

- Restrict a court's ability to grant custody or parenting time to someone who was required to register as a sex offender for an offense in which the victim was a child, or a person who lived with such a registrant.
- Require a court to make findings regarding specific factors, including the best interest of the child factors listed in the Act, in deciding whether to award custody or parenting time to the registrant.
- Prohibit a custody or parenting time order under the bill from being less restrictive than conditions of parole or other court order governing the registrant's contact with the child or the other party to the child custody dispute.
- Require the court to conduct a hearing before ordering mediation or conciliation if a party to a custody dispute were required to register for an offense in which the victim was a child.

Specifically, subject to other provisions of the Act, a court could not grant custody or parenting time to a registrant, or a person who lived in the same household as a registrant, unless the court found both 1) clear and convincing evidence demonstrating that custody or parenting time with that party presented no substantial risk to the child, and 2) a preponderance of evidence demonstrating that denying custody or parenting time created a substantial risk of harm to the child's mental, physical, or emotional health. A party seeking custody or parenting time who was a registrant, or who lived in the same household as a registrant, would have the burden of proof with respect to those findings.

Proposed MCL 722.25a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could result in a minor increase in administrative costs for local courts associated with the additional considerations required for cases involving parties who were registered as sex offenders for actions against a child or parties who shared a household with such a person.

Date Completed: 3-7-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

Bill Analysis @ www.senate.michigan.gov/sfa