



Senate Fiscal Agency  
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House Bill 4071 (Substitute H-1 as passed by the House)  
House Bill 4482 (as passed by the House)  
Sponsor: Representative Tom Barrett (H.B. 4071)  
Representative Klint Kesto (H.B. 4482)  
House Committee: Judiciary

## **CONTENT**

House Bill 4071 (H-1) would amend the Child Custody Act to do the following, if a motion for change of parenting time were filed during the time a parent was on deployment:

- Allow a parent to file an application for a stay of the proceedings, and require the court to entertain the application; and allow a parent to apply for an extension of a stay.
- Require the court to presume that the best interests of the child would be served by not modifying or amending a previous judgment or order, or issuing a new order that changed the parenting time that existed on the date the parent was called to deployment.
- Allow the court to enter a temporary parenting time order if there were clear and convincing evidence that it was in the best interest of the child.
- Require a parent to inform the court of the deployment end date before or within 30 days after that date.

The bill would require the court to reinstate the parenting time order in effect immediately before the period of deployment, upon notification of a parent's deployment end date. If a subsequent motion for change of parenting time were filed, the court could not consider a parent's absence due to that deployment in making a determination regarding change of parenting time. Future deployments could not be considered in making a best interest of the child determination.

If a deploying parent and the other parent shared custody, the deploying parent would have to notify the other parent of an upcoming deployment within a reasonable period.

House Bill 4482 would amend the Child Custody Act to define "deployment" as the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days under temporary or permanent official orders that are designated as unaccompanied, for which dependent travel is not authorized, that otherwise do not permit the movement of family members to that location, and for which the servicemember is restricted from travel.

The bills would take effect 90 days after their enactment. Each bill is tie-barred to the other and to Senate Bill 9. (Senate Bill 9 (H-1) would amend the Act to make changes similar to those in House Bill 4071 (H-1) but with regard to a motion for change of child custody.)

MCL 722.27a (H.B. 4071)  
722.22 (H.B. 4482)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Date Completed: 5-12-15

Fiscal Analyst: John Maxwell

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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