

**SUBSTITUTE FOR  
HOUSE BILL NO. 4071**

A bill to amend 1970 PA 91, entitled  
"Child custody act of 1970,"  
by amending section 7a (MCL 722.27a), as amended by 2012 PA 600.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7a. (1) Parenting time shall be granted in accordance  
2 with the best interests of the child. It is presumed to be in the  
3 best interests of a child for the child to have a strong  
4 relationship with both of his or her parents. Except as otherwise  
5 provided in this section, parenting time shall be granted to a  
6 parent in a frequency, duration, and type reasonably calculated to  
7 promote a strong relationship between the child and the parent  
8 granted parenting time.

9           (2) If the parents of a child agree on parenting time terms,  
10 the court shall order the parenting time terms unless the court

1 determines on the record by clear and convincing evidence that the  
2 parenting time terms are not in the best interests of the child.

3 (3) A child has a right to parenting time with a parent unless  
4 it is shown on the record by clear and convincing evidence that it  
5 would endanger the child's physical, mental, or emotional health.

6 (4) Notwithstanding other provisions of this act, if a  
7 proceeding regarding parenting time involves a child who is  
8 conceived as the result of acts for which 1 of the child's  
9 biological parents is convicted of criminal sexual conduct as  
10 provided in sections 520a to 520e and 520g of the Michigan penal  
11 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, the court  
12 shall not grant parenting time to the convicted biological parent.  
13 This subsection does not apply to a conviction under section  
14 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d.  
15 This subsection does not apply if, after the date of the  
16 conviction, the biological parents cohabit and establish a mutual  
17 custodial environment for the child.

18 (5) Notwithstanding other provisions of this act, if an  
19 individual is convicted of criminal sexual conduct as provided in  
20 sections 520a to 520e and 520g of the Michigan penal code, 1931 PA  
21 328, MCL 750.520a to 750.520e and 750.520g, and the victim is the  
22 individual's child, the court shall not grant parenting time with  
23 that child or a sibling of that child to that individual, unless  
24 both the child's other parent and, if the court considers the child  
25 or sibling to be of sufficient age to express his or her desires,  
26 the child or sibling consent to the parenting time.

27 (6) The court may consider the following factors when

1 determining the frequency, duration, and type of parenting time to  
2 be granted:

3 (a) The existence of any special circumstances or needs of the  
4 child.

5 (b) Whether the child is a nursing child less than 6 months of  
6 age, or less than 1 year of age if the child receives substantial  
7 nutrition through nursing.

8 (c) The reasonable likelihood of abuse or neglect of the child  
9 during parenting time.

10 (d) The reasonable likelihood of abuse of a parent resulting  
11 from the exercise of parenting time.

12 (e) The inconvenience to, and burdensome impact or effect on,  
13 the child of traveling for purposes of parenting time.

14 (f) Whether a parent can reasonably be expected to exercise  
15 parenting time in accordance with the court order.

16 (g) Whether a parent has frequently failed to exercise  
17 reasonable parenting time.

18 (h) The threatened or actual detention of the child with the  
19 intent to retain or conceal the child from the other parent or from  
20 a third person who has legal custody. A custodial parent's  
21 temporary residence with the child in a domestic violence shelter  
22 shall not be construed as evidence of the custodial parent's intent  
23 to retain or conceal the child from the other parent.

24 (i) Any other relevant factors.

25 (7) Parenting time shall be granted in specific terms if  
26 requested by either party at any time.

27 (8) A parenting time order may contain any reasonable terms or

1 conditions that facilitate the orderly and meaningful exercise of  
2 parenting time by a parent, including 1 or more of the following:

3 (a) Division of the responsibility to transport the child.

4 (b) Division of the cost of transporting the child.

5 (c) Restrictions on the presence of third persons during  
6 parenting time.

7 (d) Requirements that the child be ready for parenting time at  
8 a specific time.

9 (e) Requirements that the parent arrive for parenting time and  
10 return the child from parenting time at specific times.

11 (f) Requirements that parenting time occur in the presence of  
12 a third person or agency.

13 (g) Requirements that a party post a bond to assure compliance  
14 with a parenting time order.

15 (h) Requirements of reasonable notice when parenting time will  
16 not occur.

17 (i) Any other reasonable condition determined to be  
18 appropriate in the particular case.

19 (9) Except as provided in this subsection, a parenting time  
20 order shall contain a prohibition on exercising parenting time in a  
21 country that is not a party to the Hague ~~convention~~ **CONVENTION** on  
22 ~~the civil aspects of international child abduction.~~ **CIVIL ASPECTS**  
23 **OF INTERNATIONAL CHILD ABDUCTION.** This subsection does not apply if  
24 both parents provide the court with written consent to allow a  
25 parent to exercise parenting time in a country that is not a party  
26 to the Hague ~~convention~~ **CONVENTION** on the ~~civil aspects of~~  
27 ~~international child abduction.~~ **CIVIL ASPECTS OF INTERNATIONAL CHILD**

1 **ABDUCTION.**

2 (10) During the time a child is with a parent to whom  
3 parenting time has been awarded, that parent shall decide all  
4 routine matters concerning the child.

5 (11) Prior to entry of a temporary order, a parent may seek an  
6 ex parte interim order concerning parenting time. If the court  
7 enters an ex parte interim order concerning parenting time, the  
8 party on whose motion the ex parte interim order is entered shall  
9 have a true copy of the order served on the friend of the court and  
10 the opposing party.

11 (12) If the opposing party objects to the ex parte interim  
12 order, he or she shall file with the clerk of the court within 14  
13 days after receiving notice of the order a written objection to, or  
14 a motion to modify or rescind, the ex parte interim order. The  
15 opposing party shall have a true copy of the written objection or  
16 motion served on the friend of the court and the party who obtained  
17 the ex parte interim order.

18 (13) If the opposing party files a written objection to the ex  
19 parte interim order, the friend of the court shall attempt to  
20 resolve the dispute within 14 days after receiving it. If the  
21 matter cannot be resolved, the friend of the court shall provide  
22 the opposing party with a form motion and order with written  
23 instructions for their use in modifying or rescinding the ex parte  
24 order without assistance of counsel. If the opposing party wishes  
25 to proceed without assistance of counsel, the friend of the court  
26 shall schedule a hearing with the court that shall be held within  
27 21 days after the filing of the motion. If the opposing party files

1 a motion to modify or rescind the ex parte interim order and  
2 requests a hearing, the court shall resolve the dispute within 28  
3 days after the hearing is requested.

4 (14) An ex parte interim order issued under this section shall  
5 contain the following notice:

6 NOTICE:

7 1. You may file a written objection to this order or a motion  
8 to modify or rescind this order. You must file the written  
9 objection or motion with the clerk of the court within 14 days  
10 after you were served with this order. You must serve a true copy  
11 of the objection or motion on the friend of the court and the party  
12 who obtained the order.

13 2. If you file a written objection, the friend of the court  
14 must try to resolve the dispute. If the friend of the court cannot  
15 resolve the dispute and if you wish to bring the matter before the  
16 court without the assistance of counsel, the friend of the court  
17 must provide you with form pleadings and written instructions and  
18 must schedule a hearing with the court.

19 (15) AS PROVIDED IN THE SERVICEMEMBERS CIVIL RELIEF ACT, 50  
20 USC 501 TO 597B, IF A MOTION FOR CHANGE OF PARENTING TIME IS FILED  
21 DURING THE TIME A PARENT IS ON DEPLOYMENT, A PARENT MAY FILE AND  
22 THE COURT SHALL ENTERTAIN AN APPLICATION FOR STAY. THE COURT SHALL  
23 PRESUME THAT THE BEST INTERESTS OF THE CHILD ARE SERVED BY NOT  
24 ENTERING AN ORDER MODIFYING OR AMENDING A PREVIOUS JUDGMENT OR  
25 ORDER, OR ISSUING A NEW ORDER, THAT CHANGES THE PARENTING TIME THAT  
26 EXISTED ON THE DATE THE PARENT WAS CALLED TO DEPLOYMENT, UNLESS THE  
27 CONTRARY IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE, AT WHICH

1 TIME THE COURT MAY ENTER A TEMPORARY PARENTING TIME ORDER. WHEN A  
2 TEMPORARY PARENTING TIME ORDER IS ISSUED UNDER THIS SUBSECTION, THE  
3 COURT MAY INCLUDE A LIMIT ON THE PERIOD OF TIME THAT THE TEMPORARY  
4 PARENTING TIME ORDER REMAINS IN EFFECT. AT ANY STAGE BEFORE FINAL  
5 JUDGMENT IN THE PROCEEDING, THE PARENT MAY FILE AN APPLICATION FOR  
6 STAY OR OTHERWISE REQUEST A STAY OF PROCEEDINGS OR FILE AN  
7 APPLICATION FOR AN EXTENSION OF A STAY. THE PARENT AND THE  
8 CUSTODIAL CHILD ARE NOT REQUIRED TO BE PRESENT TO CONSIDER THE  
9 APPLICATION FOR STAY OR EXTENSION OF A STAY. THE APPLICATION FOR  
10 STAY OR EXTENSION OF A STAY IS SUFFICIENT IF IT IS A SIGNED,  
11 WRITTEN STATEMENT, CERTIFIED TO BE TRUE UNDER PENALTY OF PERJURY.  
12 THE SAME CONDITIONS FOR THE INITIAL STAY APPLY TO APPLICATIONS FOR  
13 AN EXTENSION OF A STAY.

14 (16) THE PARENT SHALL INFORM THE COURT OF THE DEPLOYMENT END  
15 DATE BEFORE OR WITHIN 30 DAYS AFTER THAT DEPLOYMENT END DATE. UPON  
16 NOTIFICATION OF A PARENT'S DEPLOYMENT END DATE, THE COURT SHALL  
17 REINSTATE THE PARENTING TIME ORDER IN EFFECT IMMEDIATELY PRECEDING  
18 THAT PERIOD OF DEPLOYMENT. IF A MOTION FOR CHANGE OF PARENTING TIME  
19 IS FILED AFTER A PARENT RETURNS FROM DEPLOYMENT, THE COURT SHALL  
20 NOT CONSIDER A PARENT'S ABSENCE DUE TO THAT DEPLOYMENT IN MAKING A  
21 DETERMINATION REGARDING CHANGE OF PARENTING TIME. FUTURE  
22 DEPLOYMENTS SHALL NOT BE CONSIDERED IN MAKING A BEST INTEREST OF  
23 THE CHILD DETERMINATION.

24 (17) IF THE DEPLOYING PARENT AND THE OTHER PARENT SHARE  
25 CUSTODY, THE DEPLOYING PARENT MUST NOTIFY THE OTHER PARENT OF AN  
26 UPCOMING DEPLOYMENT WITHIN A REASONABLE PERIOD OF TIME.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect  
3 unless all of the following bills of the 98th Legislature are  
4 enacted into law:

5 (a) Senate Bill No. 9.

6 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4482 (request no.  
7 02061'15).