

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4480**

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
11 provide the child with food, clothing, medical care or other

1 remedial care recognized and permitted under the laws of this state
2 in place of medical care, and other material needs.

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

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

8 (f) The moral fitness of the parties involved.

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

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

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

13 (j) The willingness and ability of each of the parties to
14 facilitate and encourage a close and continuing parent-child
15 relationship between the child and the other parent or the child
16 and the parents. **A COURT MAY NOT CONSIDER NEGATIVELY FOR THE
17 PURPOSES OF THIS FACTOR ANY REASONABLE ACTION TAKEN BY A PARENT TO
18 PROTECT A CHILD OR THAT PARENT FROM SEXUAL ASSAULT OR DOMESTIC
19 VIOLENCE BY THE CHILD'S OTHER PARENT.**

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

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

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.