

INITIATION OF LEGISLATION

A bill to amend P.A. 1970, No. 91, entitled "Child custody act of 1970," by amending section 6a (MCL 722.26a), as added by P.A. 1980, No. 434. Imd. Eff. Jan. 1, 2001, entitled as amended "A bill to create a rebuttable presumption that the award of joint legal and joint physical custody to the parties of a custody dispute is in the best interest of a minor child of said parties." The bill would amend the Child Custody Act of 1970 to require the Circuit Court to award joint physical and legal custody in a child custody dispute unless there is clear and convincing evidence of unfitness, unwillingness or inability by either parent to equally parent. "Joint Physical Custody" would be defined as an order that awarded physical custody of a minor child to both parents. In an award of joint physical custody, the court will include a statement regarding when the child would reside with each parent, or will provide for physical custody to be shared by the parents in a manner which assures the child substantially equal contact with both. When there is dispute regarding residency, the court would have to state the basis for a residency award on the record, in writing. This proposal is to be voted on at the November 2, 2010 General Election. Refer to reverse side of this sheet for full text of this proposal.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for initiation of legislation.

WARNING- A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	3						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	4						
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	7						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	8						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	10						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the City or Township indicated preceding the signature, and the elector was qualified to sign the petition.

WARNING- A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by : **Dads and Moms PAC**

PO Box 27271 Lansing, MI. 48909-7271

CIRCULATOR-Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

(Date)

(Printed Name of Circulator)

(City or Township Where Qualified to be Registered)

Complete Residence Address (Street and Number or Rural Route)

(Zip Code)

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Language that will be stricken from M.C.L.A. 722.26a will have a line through it. Language that is to be added to M.C.L.A. 722.26a will be in all capital letters.

M.C.L.A. 722.26a Joint Legal and Joint Physical Custody

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 6a (MCL 722.26a), as added by 1980 PA 434.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 6a. **(1) IN A CUSTODY DISPUTE BETWEEN PARENTS, THE COURT SHALL ORDER JOINT CUSTODY UNLESS EITHER OF THE FOLLOWING APPLIES:**

(A) THE COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT A PARENT IS UNFIT, UNWILLING, OR UNABLE TO CARE FOR THE CHILD.

(B) A PARENT MOVES HIS OR HER RESIDENCE OUTSIDE THE SCHOOL DISTRICT THAT THE CHILD ATTENDED DURING THE 1-YEAR PERIOD PRECEDING THE INITIATION OF THE ACTION AND IS UNABLE TO MAINTAIN THE CHILD'S SCHOOL SCHEDULE WITHOUT INTERRUPTION. IF A PARENT IS UNABLE TO MAINTAIN THE CHILD'S SCHOOL SCHEDULE, THE COURT SHALL ORDER THAT THE PARENTS SUBMIT THE DISPUTE TO MEDIATION TO DETERMINE A CUSTODY AGREEMENT THAT MAXIMIZES BOTH PARENTS' ABILITY TO PARTICIPATE EQUALLY IN A RELATIONSHIP WITH 1 THE CHILD WHILE ACCOMMODATING THE CHILD'S SCHOOL SCHEDULE. A PARENT MAY RESTORE JOINT CUSTODY BY DEMONSTRATING THE ABILITY TO MAINTAIN THE CHILD'S SCHOOL SCHEDULE.

(2) ~~(1)~~ IF SUBSECTION (1) DOES NOT APPLY IN A custody disputes DISPUTE between parents, the parents shall be advised of joint custody. At the request of either parent, the court shall consider an award of joint custody, and shall state on the record the reasons for granting or denying a request. In other cases, joint custody may be considered by the court. The court shall determine whether joint custody is in the best interest of the child by considering the following factors:

(a) The factors enumerated in section 3.

(b) Whether the parents will be able to cooperate MAINTAIN THE CHILD'S SCHOOL SCHEDULE and generally agree concerning important decisions affecting the welfare of the child.

(3) ~~(2)~~ If the parents agree on joint-IN WRITING TO A custody ARRANGEMENT, the court shall award joint-GRANT THAT custody unless the court determines on the record, based upon clear and convincing evidence, that joint custody is not in the best interests of the child-ARRANGEMENT.

(4) ~~(3)~~ If the court awards joint custody, the court may-SHALL include in its award a statement regarding when the child shall reside-RESIDES with each parent, or may-AND SHALL provide that physical custody be IS shared by the parents in a manner to assure the child continuing contact with both parents-ALTERNATELY FOR SPECIFIC AND SUBSTANTIALLY EQUAL PERIODS OF TIME.

(5) ~~(4)~~ During the time a child resides with a parent, that parent shall decide all routine matters concerning the child.

(6) ~~(5)~~ If there is a dispute regarding residency, the court shall state the basis for a residency award on the record or in writing.

(7) ~~(6)~~ Joint custody shall-DOES not eliminate the responsibility for child support. Each parent shall be-IS responsible for child support based on the needs of the child and the actual resources of each parent. If a parent would otherwise be unable to maintain adequate housing for the child and the other parent has sufficient resources, the court may order modified support payments for a portion of housing expenses even during a period when the child is not residing in the home of the parent receiving support. An order of joint custody, in and of itself, shall-DOES not constitute grounds for modifying a support order.

(8) ~~(7)~~ As used in this section, "joint custody" means an order of the court in which ~~1~~ or both of the following is ARE specified:

(a) That the child shall reside-RESIDES alternately for specific AND SUBSTANTIALLY EQUAL periods OF TIME with each of the parents-PARENT.

(b) That the parents shall share decision-making authority as to ALL OF the important decisions affecting the welfare of the child, INCLUDING, BUT NOT LIMITED TO, THE CHILD'S EDUCATION, RELIGIOUS TRAINING, AND MEDICAL TREATMENT.

STATUTORY INTERPRETATION

THIS STATUTE IS TO BE STRICTLY INTERPRETED.