

# HOUSE BILL No. 6213

September 22, 2004, Introduced by Reps. Condino, Bieda, Lipsey and Howell and referred to the Committee on Judiciary.

A bill to amend 2001 PA 195, entitled "Uniform child-custody jurisdiction and enforcement act," by amending the title and sections 102 and 405 (MCL 722.1102 and 722.1405).

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

TITLE

An act to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody **or parenting time** proceeding involving this state and a proceeding or party outside of this state; and to repeal acts and parts of acts.

Sec. 102. As used in this act:

(a) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(b) "Child" means an individual who is younger than 18 years

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1 of age.

2 (c) "Child-custody determination" means a judgment, decree,  
3 or other court order providing for legal custody, physical  
4 custody, or parenting time with respect to a child, **including, in**  
5 **the context of Michigan law, parenting time with respect to the**  
6 **allocation or sharing of responsibilities of parenting of a child**  
7 **between parents, or between a parent and a third party, as sought**  
8 **or ordered under the child parenting time act, 1970 PA 91, MCL**  
9 **722.21 to 722.31.** Child-custody determination includes a  
10 permanent, temporary, initial, and modification order.  
11 Child-custody determination does not include an order relating to  
12 child support or other monetary obligation of an individual.

13 (d) "Child-custody proceeding" means a proceeding in which  
14 legal custody, physical custody, or parenting time with respect  
15 to a child is an issue, **including, in the context of Michigan**  
16 **law, parenting time with respect to the allocation or sharing of**  
17 **responsibilities of parenting of a child between parents, or**  
18 **between a parent and a third party, as sought or ordered under**  
19 **the child parenting time act, 1970 PA 91, MCL 722.21 to 722.31.**  
20 Child-custody proceeding includes a proceeding for divorce,  
21 separate maintenance, separation, neglect, abuse, dependency,  
22 guardianship, paternity, termination of parental rights, and  
23 protection from domestic violence, in which the issue may  
24 appear. Child-custody proceeding does not include a proceeding  
25 involving juvenile delinquency, contractual emancipation, or  
26 enforcement under article 3.

27 (e) "Commencement" means the filing of the first pleading in

1 a proceeding.

2 (f) "Court" means an entity authorized under the law of a  
3 state to establish, enforce, or modify a child-custody  
4 determination.

5 (g) "Home state" means the state in which a child lived with  
6 a parent or a person acting as a parent for at least 6  
7 consecutive months immediately before the commencement of a  
8 child-custody proceeding. In the case of a child less than 6  
9 months of age, the term means the state in which the child lived  
10 from birth with a parent or person acting as a parent. A period  
11 of temporary absence of a parent or person acting as a parent is  
12 included as part of the period.

13 (h) "Initial determination" means the first child-custody  
14 determination concerning a particular child.

15 (i) "Issuing court" means the court that makes a  
16 child-custody determination for which enforcement is sought under  
17 this act.

18 (j) "Issuing state" means the state in which a child-custody  
19 determination is made.

20 (k) "Modification" means a child-custody determination that  
21 changes, replaces, supersedes, or is otherwise made after a  
22 previous child-custody determination concerning the same child,  
23 whether or not it is made by the court that made the previous  
24 child-custody determination.

25 (l) "Person" means an individual, corporation, business  
26 trust, estate, trust, partnership, limited liability company,  
27 association, joint venture, or government; governmental

1 subdivision, agency, or instrumentality; public corporation; or  
2 any other legal or commercial entity.

3 (m) "Person acting as a parent" means a person, other than a  
4 parent, who meets both of the following criteria:

5 (i) Has physical custody of the child or has had physical  
6 custody for a period of 6 consecutive months, including a  
7 temporary absence, within 1 year immediately before the  
8 commencement of a child-custody proceeding.

9 (ii) Has been awarded legal custody by a court or claims a  
10 right to legal custody under the law of this state.

11 (n) "Physical custody" means the physical care and  
12 supervision of a child.

13 (o) "Register" means to comply with the procedures of section  
14 304 to make a child-custody determination enforceable in this  
15 state.

16 (p) "State" means a state of the United States, the District  
17 of Columbia, Puerto Rico, the United States Virgin Islands, or a  
18 territory or insular possession subject to the jurisdiction of  
19 the United States.

20 (q) "Tribe" means an Indian tribe or band, or Alaskan native  
21 village, that is recognized by federal law or formally  
22 acknowledged by a state.

23 (r) "Warrant" means a court order authorizing a law  
24 enforcement officer to take physical custody of a child.

25 Sec. 405. A motion or other request for relief made in a  
26 child-custody or enforcement proceeding that was commenced before  
27 ~~the effective date of this act~~ **April 1, 2002** is governed by the

1 law in effect at the time the motion or other request was made.

2       Enacting section 1. This amendatory act does not take  
3 effect unless House Bill No. 5949 of the 92nd Legislature is  
4 enacted into law.