

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5471

(As amended, September 28, 2004)

A bill to amend 1970 PA 91, entitled  
"Child custody act of 1970,"  
by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

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

1       Sec. 4. (1) In ~~all actions~~ **an action** involving dispute of  
2 a minor child's custody, the court shall declare the child's  
3 inherent rights and establish the rights and duties as to the  
4 child's custody, support, and parenting time **under court order or**  
5 **a court-approved parenting plan** in accordance with this act.

6       (2) If a parenting plan has been filed with and approved by a  
7 court according to section 7a, the court shall declare that plan  
8 **<<**   **>>** as establishing the rights and  
9 duties as to the child's custody, support, and parenting time  
10 under subsection (1), unless the court determines on the record  
11 by clear and convincing evidence that the plan is not in the

1 **child's best interests.**

2       (3) ~~—(2)—~~ If, at any time in the proceeding, the court  
3 determines that the child's best interests are inadequately  
4 represented, the court may appoint a lawyer-guardian ad litem to  
5 represent the child. A lawyer-guardian ad litem represents the  
6 child and has powers and duties in relation to that  
7 representation as set forth in section 17d of chapter XIIIA of **the**  
8 **probate code of 1939**, 1939 PA 288, MCL 712A.17d. All provisions  
9 of section 17d of chapter XIIIA of **the probate code of 1939**, 1939  
10 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem  
11 appointed under this act.

12       (4) ~~—(3)—~~ In a proceeding in which a lawyer-guardian ad litem  
13 represents a child, he or she may file a written report and  
14 recommendation. The court may read the report and  
15 recommendation. The court shall not ~~—, however,—~~ admit the  
16 report and recommendation into evidence unless all parties  
17 stipulate the admission. The parties may make use of the report  
18 and recommendation for purposes of a settlement conference.

19       (5) ~~—(4)—~~ After a determination of ability to pay, the court  
20 may assess all or part of the costs and reasonable fees of the  
21 lawyer-guardian ad litem against 1 or more of the parties  
22 involved in the proceedings or against the money allocated from  
23 marriage license fees for family counseling services under  
24 section 3 of 1887 PA 128, MCL 551.103. A lawyer-guardian ad  
25 litem appointed under this section shall not be paid a fee unless  
26 the court first receives and approves the fee.

27       Enacting section 1. This amendatory act takes effect

1 October 1, 2004.

2       Enacting section 2. This amendatory act does not take  
3 effect unless Senate Bill No. 966 of the 92nd Legislature is  
4 enacted into law.