

HOUSE BILL NO. 5212

November 04, 2025, Introduced by Reps. Wilson, Johnsen, BeGole, Robinson, Meerman, Edwards, Roth, Prestin, Wozniak, Harris, Alexander, Greene, Cavitt, Markkanen, Bohnak, Paquette, DeBoyer, Thompson, Linting, B. Carter, Beson, Arbit, Andrews, O'Neal, Neeley and Scott and referred to Committee on Judiciary.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
by amending sections 6a and 7a (MCL 722.26a and 722.27a), section
6a as added by 1980 PA 434 and section 7a as amended by 2016 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6a. (1) In custody disputes between parents, the parents
2 ~~shall~~**must** be advised **by the court** of joint custody **and the**
3 **presumption of equal or approximately equal parenting time.** ~~At the~~
4 ~~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 and generally agree concerning important decisions affecting the welfare of the child.~~ **At the time of initiating a paternity, custody, divorce with a minor child, or support action in the family division of circuit court, the court must issue a notice that must be served on all parties with the pleadings. The notice under this section must contain the following:**

NOTICE:

1. An action within the jurisdiction of the family division of circuit court involving a child to which you are the parent or guardian has been filed.

2. According to the Child Custody Act of 1970, 1970 PA 91, MCL 722.21 to 722.31, you have a right to joint custody and equal or approximately equal parenting time.

3. "Joint custody" means an order of the court in which the parents or third parties share decision-making authority as to the important decisions affecting the health, safety, education, religion, and welfare of the child.

4. In a dispute between the parents, the court must presume that the best interests of the child are served by awarding the parents equal or approximately equal parenting time as set forth in section 5 of the Child Custody Act of 1970, 1970 PA 91, MCL 722.25, unless the contrary is established based on an analysis of the 12

1 **best interest factors listed in section 3 of the Child Custody Act**
2 **of 1970 PA 91, MCL 722.23.**

3 (2) If the parents agree on joint custody, the court shall
4 award joint custody unless the court determines on the record,
5 based upon clear and convincing evidence, that joint custody is not
6 in the best interests of the child.

7 (3) If the court awards joint custody, the court may include
8 in its award a statement regarding when the child shall reside with
9 each parent, or may provide that physical custody be shared by the
10 parents in a manner to ~~assure~~**ensure** the child continuing contact
11 with both parents.

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

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

16 (6) Joint custody ~~shall~~**does** not eliminate the responsibility
17 for child support. Each parent ~~shall be~~**is** responsible for child
18 support based on the needs of the child and the actual resources of
19 each parent. If a parent would otherwise be unable to maintain
20 adequate housing for the child and the other parent has sufficient
21 resources, the court may order modified support payments for a
22 portion of housing expenses even during a period when the child is
23 not residing in the home of the parent receiving support. An order
24 of joint custody, in and of itself, ~~shall is~~ not ~~constitute~~ grounds
25 for modifying a support order.

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

28 (a) That the child shall reside ~~alternately for specific~~**equal**
29 **or approximately equal** periods with each of the parents.

1 (b) That the parents ~~shall~~ share decision-making authority as
2 to the important decisions affecting the **child's** welfare. ~~of the~~
3 ~~child.~~

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

12 (2) If the parents of a child agree on parenting time terms,
13 the court ~~shall~~**must** order the parenting time terms unless the
14 court determines on the record by clear and convincing evidence
15 that the parenting time terms are not in the best interests of the
16 child.

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

20 (4) Notwithstanding **any** other ~~provisions~~**provision** of this
21 act, if a proceeding regarding parenting time involves a child who
22 is conceived as the result of acts for which 1 of the child's
23 biological parents is convicted of criminal sexual conduct as
24 provided in sections 520a to 520e and 520g of the Michigan penal
25 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, or a
26 substantially similar statute of another state or the federal
27 government, or is found by clear and convincing evidence in a fact-
28 finding hearing to have committed acts of nonconsensual sexual
29 penetration, the court shall not grant parenting time to that

1 biological parent. This subsection does not apply to a conviction
 2 under section 520d(1) (a) of the Michigan penal code, 1931 PA 328,
 3 MCL 750.520d. This subsection does not apply if, after the date of
 4 the conviction, or the date of the finding in a fact-finding
 5 hearing described in this subsection, the biological parents
 6 cohabit and establish a mutual custodial environment for the child.

7 (5) A parent may assert an affirmative defense of the
 8 provisions of subsection (4) in a proceeding brought by the
 9 offending parent regarding a child described in subsection (4).

10 (6) Notwithstanding ~~any other provisions~~ **provision** of this
 11 act, if an individual is convicted of criminal sexual conduct as
 12 provided in sections 520a to 520e and 520g of the Michigan penal
 13 code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, and the
 14 victim is the individual's child, the court shall not grant
 15 parenting time with that child or a sibling of that child to that
 16 individual, unless both the child's other parent and, if the court
 17 considers the child or sibling to be of sufficient age to express
 18 ~~his or her~~ **the child's or sibling's** desires, the child or sibling
 19 consent to the parenting time.

20 (7) The court ~~may~~ **must** consider the following factors when
 21 determining the ~~frequency, duration, and type of parenting time to~~
 22 ~~be granted:~~ **means and schedule in which parenting time must be**
 23 **exercised:**

24 (a) The existence of any special circumstances or needs of the
 25 child.

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

29 (c) The reasonable likelihood of abuse or neglect of the child

1 during parenting time.

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

4 (e) The inconvenience to, and burdensome impact or effect on,
5 the child of traveling for ~~purposes~~**the purpose** of parenting time.

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

8 (g) Whether a parent has frequently failed to exercise
9 reasonable parenting time.

10 (h) The threatened or actual detention of the child with the
11 intent to retain or conceal the child from the other parent or from
12 a third person who has legal custody. A custodial parent's
13 temporary residence with the child in a domestic violence shelter
14 ~~shall is not be construed as~~ evidence of the custodial parent's
15 intent to retain or conceal the child from the other parent.

16 (i) Any other relevant factors.

17 (8) Parenting time ~~shall~~**must** be granted in specific terms if
18 requested by either party at any time.

19 (9) A parenting time order may contain any reasonable terms or
20 conditions that facilitate the orderly and meaningful exercise of
21 parenting time by a parent, including 1 or more of the following:

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

23 (b) Division of the cost ~~of transporting~~**to transport** the
24 child.

25 (c) Restrictions on the presence of third persons during
26 parenting time.

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

29 (e) Requirements that the parent arrive for parenting time and

1 return the child from parenting time at specific times.

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

4 (g) Requirements that a party post a bond to ~~assure~~**ensure**
5 compliance with a parenting time order.

6 (h) Requirements of reasonable notice when parenting time will
7 not occur.

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

10 (10) Except as provided in this subsection, a parenting time
11 order ~~shall~~**must** contain a prohibition on exercising parenting time
12 in a country that is not a party to the Hague Convention on the
13 Civil Aspects of International Child Abduction. This subsection
14 does not apply if both parents provide the court with written
15 consent to allow a parent to exercise parenting time in a country
16 that is not a party to the Hague Convention on the Civil Aspects of
17 International Child Abduction.

18 (11) During the time a child is with a parent to whom
19 parenting time has been awarded, that parent ~~shall decide~~**decides**
20 all routine matters concerning the child.

21 (12) ~~Prior to entry of~~**Before** a temporary order **is entered**, a
22 parent may seek an ex parte interim order concerning parenting
23 time. If the court enters an ex parte interim order concerning
24 parenting time, the party on whose motion the ex parte interim
25 order is entered shall have a true copy of the order served on the
26 friend of the court and the opposing party.

27 (13) If the opposing party objects to the ex parte interim
28 order, ~~he or she~~**the opposing party** shall file with the clerk of
29 the court within 14 days after receiving notice of the order a

1 written objection to, or a motion to modify or rescind, the ex
2 parte interim order. The opposing party shall have a true copy of
3 the written objection or motion served on the friend of the court
4 and the party who obtained the ex parte interim order.

5 (14) If the opposing party files a written objection to the ex
6 parte interim order, the friend of the court shall attempt to
7 resolve the dispute within 14 days after receiving it. If the
8 matter cannot be resolved, the friend of the court shall provide
9 the opposing party with a form motion and order with written
10 instructions for their use in modifying or rescinding the ex parte
11 order without assistance of counsel. If the opposing party wishes
12 to proceed without assistance of counsel, the friend of the court
13 shall schedule a hearing with the court that ~~shall~~**must** be held
14 within 21 days after the filing of the motion. If the opposing
15 party files a motion to modify or rescind the ex parte interim
16 order and requests a hearing, the court shall resolve the dispute
17 within 28 days after the hearing is requested.

18 (15) An ex parte interim order issued under this section ~~shall~~
19 **must** contain the following notice:

20 NOTICE:

21 1. You may file a written objection to this order or a motion
22 to modify or rescind this order. You must file the written
23 objection or motion with the clerk of the court within 14 days
24 after you were served with this order. You must serve a true copy
25 of the objection or motion on the friend of the court and the party
26 who obtained the order.

27 2. If you file a written objection, the friend of the court
28 must try to resolve the dispute. If the friend of the court cannot
29 resolve the dispute and if you wish to bring the matter before the

1 court without the assistance of counsel, the friend of the court
2 must provide you with form pleadings and written instructions and
3 must schedule a hearing with the court.

4 (16) As provided in the servicemembers civil relief act, 50
5 USC ~~501-3901~~ to ~~597b-4043~~, if a motion for change of parenting
6 time is filed during the time a parent is on deployment, a parent
7 may file and the court shall entertain an application for stay. The
8 court shall presume that the best interests of the child are served
9 by not entering an order modifying or amending a previous judgment
10 or order, or issuing a new order, that changes the parenting time
11 that existed on the date the parent was called to deployment,
12 unless the contrary is established by clear and convincing
13 evidence, at which time the court may enter a temporary parenting
14 time order. ~~When~~ **If** a temporary parenting time order is issued
15 under this subsection, the court may include a limit on the period
16 of time that the temporary parenting time order remains in effect.
17 At any stage before final judgment in the proceeding, the parent
18 may file an application for stay or otherwise request a stay of
19 proceedings or file an application for an extension of a stay. The
20 parent and the custodial child are not required to be present to
21 consider the application for stay or extension of a stay. The
22 application for stay or extension of a stay is sufficient if it is
23 a signed, written statement ~~,~~ **and** certified to be true under
24 penalty of perjury. The same conditions for the initial stay apply
25 to applications for an extension of a stay.

26 (17) The parent ~~shall~~ **must** inform the court of the deployment
27 end date ~~before or within~~ **not later than** 30 days after that
28 deployment end date. ~~Upon~~ **On** notification of a parent's deployment
29 end date, the court shall reinstate the parenting time order in

effect immediately preceding that period of deployment. If a motion for change of parenting time is filed after a parent returns from deployment, the court shall not consider a parent's absence due to that deployment in making a determination regarding change of parenting time. Future deployments ~~shall~~**must** not be considered in making a best ~~interest~~**interests** of the child determination.

(18) If the deploying parent and the other parent share custody, the deploying parent must notify the other parent of an upcoming deployment within a reasonable period of time.

(19) As used in this section, "offending parent" means a parent who has been convicted of criminal sexual conduct as described in subsection (4) or ~~who~~ has been found by clear and convincing evidence in a fact-finding hearing to have committed acts of nonconsensual sexual penetration as described in subsection (4).

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 103rd Legislature are enacted into law:

(a) Senate Bill No. ____ (request no. S02656'25 *) or House Bill No. 5211 (request no. H02656'25 *).

(b) Senate Bill No. ____ (request no. S02657'25 a *) or House Bill No. 5213 (request no. H02657'25 a *).