

Act No. 506
Public Acts of 2004

Filed with the Secretary of State
December 29, 2004

NO EFFECTIVE DATE: Tie-barred to HB 5467, which was vetoed by the Governor

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

**Introduced by Reps. Moolenaar, Voorhees, Hoogendyk, Nitz, Hager, Hummel, Kooiman, DeRossett,
Vander Veen, Huizenga, Sheen and Taub**

ENROLLED HOUSE BILL No. 5471

AN ACT to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

The People of the State of Michigan enact:

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

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

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

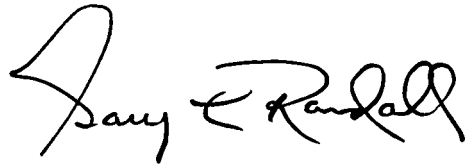
(4) In a proceeding in which a lawyer-guardian ad litem represents a child, he or she may file a written report and recommendation. The court may read the report and recommendation. The court shall not admit the report and recommendation into evidence unless all parties stipulate the admission. The parties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

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


Enacting section 1. This amendatory act takes effect October 1, 2005.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5467.
- (b) House Bill No. 5468.
- (c) House Bill No. 5469.
- (d) House Bill No. 5470.
- (e) House Bill No. 5473.
- (f) House Bill No. 5474.
- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor