

# HOUSE BILL No. 4845

August 20, 2015, Introduced by Reps. Runestad, Rendon, Hooker, Muxlow, Chatfield, Cole, Robinson, Potvin, Forlini, Glenn, Barrett, Somerville, Tedder, Franz, Derek Miller, Plawecki, Lucido, Chirkun, Geiss, Graves and Callton and referred to the Committee on Judiciary.

A bill to amend 1970 PA 91, entitled  
 "Child custody act of 1970,"  
 by amending section 11 (MCL 722.31), as added by 2000 PA 422.

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

1       Sec. 11. (1) A child whose parental custody is governed by  
 2 court order has, for the purposes of this section, a legal  
 3 residence with each parent. Except as otherwise provided in this  
 4 section, a parent of a child whose custody is governed by court  
 5 order shall not change a legal residence of the child to a location  
 6 that is more than ~~100~~50 miles from the child's legal residence at  
 7 the time of the commencement of the action in which the order is  
 8 issued, **AS MEASURED BY A VEHICLE'S ODOMETER.**

9       (2) A parent's change of a child's legal residence is not  
 10 restricted by subsection (1) if the other parent consents to, or if  
 11 the court, after complying with subsection (4), permits, the

1 residence change. This section does not apply if the order  
2 governing the child's custody grants sole legal custody to 1 of the  
3 child's parents.

4 (3) This section does not apply if, at the time of the  
5 commencement of the action in which the custody order is issued,  
6 the child's 2 residences were more than ~~100~~50 miles apart. This  
7 section does not apply if the legal residence change results in the  
8 child's 2 legal residences being closer to each other than before  
9 the change.

10 (4) Before permitting a legal residence change otherwise  
11 restricted by subsection (1), the court shall consider each of the  
12 following factors, with the child as the primary focus in the  
13 court's deliberations:

14 (a) Whether the legal residence change has the capacity to  
15 improve the quality of life for both the child and the relocating  
16 parent.

17 (b) The degree to which each parent has complied with, and  
18 utilized his or her time under, a court order governing parenting  
19 time with the child, and whether the parent's plan to change the  
20 child's legal residence is inspired by that parent's desire to  
21 defeat or frustrate the parenting time schedule.

22 (c) The degree to which the court is satisfied that, if the  
23 court permits the legal residence change, it is possible to order a  
24 modification of the parenting time schedule and other arrangements  
25 governing the child's schedule in a manner that can provide an  
26 adequate basis for preserving and fostering the parental  
27 relationship between the child and each parent; and whether each

1 parent is likely to comply with the modification.

2 (d) The extent to which the parent opposing the legal  
3 residence change is motivated by a desire to secure a financial  
4 advantage with respect to a support obligation.

5 (e) Domestic violence, regardless of whether the violence was  
6 directed against or witnessed by the child.

7 (5) Each order determining or modifying custody or parenting  
8 time of a child shall include a provision stating the parent's  
9 agreement as to how a change in either of the child's legal  
10 residences will be handled. If ~~such a~~ **THAT** provision is included in  
11 the order and a child's legal residence change is done in  
12 compliance with that provision, this section does not apply. If the  
13 parents do not agree on ~~such a~~ **THAT** provision, the court shall  
14 include in the order the following provision: "A parent whose  
15 custody or parenting time of a child is governed by this order  
16 shall not change the legal residence of the child except in  
17 compliance with section 11 of the "Child Custody Act of 1970", 1970  
18 PA 91, MCL 722.31."

19 (6) If this section applies to a change of a child's legal  
20 residence and the parent seeking to change that legal residence  
21 needs to seek a safe location from the threat of domestic violence,  
22 the parent may move to ~~such a~~ **SAFE** location with the child until  
23 the court makes a determination under this section.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.