

UNIFORM CHILD ABDUCTION PREVENTION ACT (EXCERPT)
Act 460 of 2014

722.1527 Credible risk of child abduction; evidence; hearing; finding that conduct intended to avoid domestic violence or harm.

Sec. 7. (1) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent has done any of the following or that any of the following apply to the petitioner or respondent:

- (a) Previously abducted or attempted to abduct the child.
- (b) Threatened to abduct the child.
- (c) Except for planning activities related to providing for the safety of a party or the child while avoiding or attempting to avoid domestic violence, recently engaged in activities that may indicate a planned abduction, including any of the following:
 - (i) Abandoning employment.
 - (ii) Selling a primary residence.
 - (iii) Terminating a lease.
 - (iv) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities.
 - (v) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child.
 - (vi) Applying for or obtaining an enhanced driver license or enhanced official state personal identification card for the respondent, a family member, or the child.
 - (vii) Seeking to obtain the child's birth certificate or school or medical records.
- (d) Engaged in domestic violence, stalking, or child abuse or neglect.
- (e) Refused to follow a child-custody determination.
- (f) Lacks strong familial, financial, emotional, or cultural ties to this state or the United States.
- (g) Has strong familial, financial, emotional, or cultural ties to another state or country.
- (h) Is likely to take the child to a country to which any of the following apply:
 - (i) The country is not a party to the Hague convention on the civil aspects of international child abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child.
 - (ii) The country is a party to the Hague convention on the civil aspects of international child abduction but 1 or more of the following apply:
 - (A) The Hague convention on the civil aspects of international child abduction is not in force between the United States and the country.
 - (B) The country is noncompliant according to the most recent compliance report issued by the United States department of state.
 - (C) The country lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague convention on the civil aspects of international child abduction.
 - (iii) The country poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children.
 - (iv) The country has laws or practices that would do 1 or more of the following:
 - (A) Enable the respondent, without due cause, to prevent the petitioner from contacting the child.
 - (B) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion.
 - (C) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality, or religion.
 - (v) The country is included by the United States department of state on a current list of state sponsors of terrorism.
 - (vi) The country does not have an official United States diplomatic presence in the country.
 - (vii) The country is engaged in active military action or war, including a civil war, to which the child may be exposed.
- (i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.
- (j) Has had an application for United States citizenship denied.
- (k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver license, or other government-issued identification card or has made a misrepresentation to the United States government.

- (l) Has used multiple names to attempt to mislead or defraud.
 - (m) Has engaged in any other conduct the court considers relevant to the risk of abduction.
- (2) If the court finds during a hearing on a petition under this act that the respondent's conduct was intended to avoid domestic violence or imminent harm to the child or the respondent, the court shall not issue an abduction prevention order.

History: 2014, Act 460, Imd. Eff. Jan. 12, 2015.