

Child Custody

Why are changes needed? In Michigan, parents are encouraged to reach their own agreements regarding custody arrangements. When parents cannot agree, the judge must consider all of the best interest factors of the Michigan Child Custody Act.¹ This includes “whether the child is a nursing child less than six months of age, or less than one year of age if the child receives substantial nutrition through nursing.”² However, the law does not make recommendations for how the judge should rule beyond this stipulation. Child custody rulings should comply with best practices that follow the World Health Organization (WHO) guidelines, recommending breastfeeding until at least two years of age with continuation of breastfeeding as long as mutually desired by mother and child.

MIBFN Recommends:

- Friend of the Court (FOC) should distribute evidence-based breastfeeding information and resources to families undergoing mediation.
- All judicial and court employees and staff should receive comprehensive breastfeeding education.
- Child custody laws should protect the breastfeeding relationship for at least the first two years of life and extend for as long as breastfeeding is maintained.
- National, tiered child custody laws that take into account child development and age should be adopted.

To learn more about the MIBFN Child Custody campaign, visit www.mibreastfeeding.org/child-custody

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1. Michigan Legislature, Michigan Child Custody Act, MCL 722.23.
 2. Michigan Legislature, Act 91 of 1970, 722.27a Parenting time.