



SENATE BILL No. 428

February 24, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 15, 16, and 17 of chapter 84 of the Revised Statutes of 1846, entitled

"Of divorce,"

as amended by Act No. 291 of the Public Acts of 1990, being sections 552.15, 552.16, and 552.17 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 15, 16, and 17 of chapter 84 of the
2 Revised Statutes of 1846, as amended by Act No. 291 of the Public
3 Acts of 1990, being sections 552.15, 552.16, and 552.17 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 15. (1) After the filing of a complaint in an action
6 to annul a marriage or for a divorce or separate maintenance, on
7 the motion of either party or the friend of the court, or on the
8 court's own motion, the court may enter ~~such~~ orders concerning
9 the care, custody, and support of the minor children of the

1 parties during the pendency of the action as the court considers
2 proper and necessary. Subject to section 16a, the court may also
3 order support as provided in this subsection for the parties'
4 children who are not minor children.

5 (2) Except as otherwise provided in this section, the court
6 shall order support in an amount determined by application of the
7 child support formula developed by the state friend of the court
8 bureau. The court may enter an order that deviates from the for-
9 mula if the court determines from the facts of the case that
10 application of the child support formula would be unjust or inap-
11 propriate and sets forth in writing or on the record all of the
12 following:

13 (a) The support amount determined by application of the
14 child support formula.

15 (b) How the support order deviates from the child support
16 formula.

17 (c) The value of property or other support awarded in lieu
18 of the payment of child support, if applicable.

19 (d) The reasons why application of the child support formula
20 would be unjust or inappropriate in the case.

21 (3) Subsection (2) does not prohibit the court from entering
22 a support order that is agreed to by the parties and that devi-
23 ates from the child support formula, if the requirements of sub-
24 section (2) are met.

25 (4) ~~Beginning January 1, 1991, each~~ A support order
26 entered by the court shall provide ~~that each party shall keep~~

1 ~~the office of the friend of the court informed of both~~ ALL of
2 the following:

3 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
4 COURT INFORMED OF THE name and address of his or her current
5 source of income. As used in this subdivision, "source of
6 income" means that term as defined in section 2 of the support
7 and visitation enforcement act, Act No. 295 of the Public Acts of
8 1982, being section 552.602 of the Michigan Compiled Laws.

9 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
10 COURT INFORMED OF health care coverage that is available to him
11 or her as a benefit of employment or that is maintained by him or
12 her; the name of the insurance company, health care organization,
13 or health maintenance organization; the policy, certificate, or
14 contract number; and the names and birth dates of the persons for
15 whose benefit he or she maintains health care coverage under the
16 policy, certificate, or contract.

17 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE
18 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE
19 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE
20 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"
21 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-
22 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.

23 (5) For the purposes of this section, "support" may include
24 payment of the expenses of medical, dental, and other health
25 care, child care expenses, and educational expenses. If a sup-
26 port order is entered, the court shall require that 1 or both
27 parents ~~shall~~ obtain or maintain any health care coverage that

1 is available to them at a reasonable cost, as a benefit of
2 employment, for the benefit of the minor children of the parties
3 and, subject to section 16a, for the benefit of the parties'
4 children who are not minor children. If a parent is
5 self-employed and maintains health care coverage, the court shall
6 require the parent to obtain or maintain dependent coverage for
7 the benefit of the minor children of the parties and, subject to
8 section 16a, for the benefit of the parties' children who are not
9 minor children, if available at a reasonable cost.

10 (6) ~~Orders~~ AN ORDER concerning the support of children of
11 the parties shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED BY, MAY
12 CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable as pro-
13 vided in the support and visitation enforcement act, Act No. 295
14 of the Public Acts of 1982, being sections 552.601 to 552.650 of
15 the Michigan Compiled Laws.

16 (7) The court may waive jurisdiction of any minor children
17 under the age of 17 during the pendency of the action to the pro-
18 bate court, to be governed by the laws of this state with respect
19 to dependent and neglected children under the age of 17 years.

20 Sec. 16. (1) Upon annulling a marriage or entering a judg-
21 ment of divorce or separate maintenance, the court may enter
22 ~~such~~ orders as it considers just and proper concerning the
23 care, custody, and support of the minor children of the parties.
24 Subject to section 16a, the court may also order support as pro-
25 vided in this subsection for the parties' children who are not
26 minor children. The court may require either parent to file a
27 bond with 1 or more sufficient sureties, in a sum to be fixed by

1 the court, guaranteeing payment of the support ordered in the
2 judgment.

3 (2) Except as otherwise provided in this section, the court
4 shall order support in an amount determined by application of the
5 child support formula developed by the state friend of the court
6 bureau. The court may enter an order that deviates from the for-
7 mula if the court determines from the facts of the case that
8 application of the child support formula would be unjust or inap-
9 propriate and sets forth in writing or on the record all of the
10 following:

11 (a) The support amount determined by application of the
12 child support formula.

13 (b) How the support order deviates from the child support
14 formula.

15 (c) The value of property or other support awarded in lieu
16 of the payment of child support, if applicable.

17 (d) The reasons why application of the child support formula
18 would be unjust or inappropriate in the case.

19 (3) Subsection (2) does not prohibit the court from entering
20 a support order that is agreed to by the parties and that devi-
21 ates from the child support formula, if the requirements of sub-
22 section (2) are met.

23 (4) ~~Beginning January 1, 1991, each~~ A support order
24 entered by the court shall provide ~~that each party shall keep~~
25 ~~the office of the friend of the court informed of both~~ ALL of
26 the following:

1 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
2 COURT INFORMED OF THE name and address of his or her current
3 source of income. As used in this subdivision, "source of
4 income" means that term as defined in section 2 of the support
5 and visitation enforcement act, Act No. 295 of the Public Acts of
6 1982, being section 552.602 of the Michigan Compiled Laws.

7 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
8 COURT INFORMED OF health care coverage that is available to him
9 or her as a benefit of employment or that is maintained by him or
10 her; the name of the insurance company, health care organization,
11 or health maintenance organization; the policy, certificate, or
12 contract number; and the names and birth dates of the persons for
13 whose benefit he or she maintains health care coverage under the
14 policy, certificate, or contract.

15 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE
16 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE
17 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE
18 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"
19 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-
20 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.

21 (5) For the purposes of this section, "support" may include
22 payment of the expenses of medical, dental, and other health
23 care, child care expenses, and educational expenses. The judg-
24 ment shall require that 1 or both parents ~~shall~~ obtain or main-
25 tain any health care coverage that is available to them at a rea-
26 sonable cost, as a benefit of employment, for the benefit of the
27 minor children of the parties and, subject to section 16a, for

1 the benefit of the parties' children who are not minor children.
2 If a parent is self-employed and maintains health care coverage,
3 the court shall require the parent to obtain or maintain depen-
4 dent coverage for the benefit of the minor children of the par-
5 ties and, subject to section 16a, for the benefit of the parties'
6 children who are not minor children, if available at a reasonable
7 cost.

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11 vided in the support and visitation enforcement act, Act No. 295
12 of the Public Acts of 1982, being sections 552.601 to 552.650 of
13 the Michigan Compiled Laws.

14 (7) The court, in the judgment or after entry of the judg-
15 ment, may waive jurisdiction of any minor children under the age
16 of 17 years to the probate court to be governed by the laws of
17 this state with respect to dependent and neglected children under
18 the age of 17 years.

19 Sec. 17. (1) The court may, from time to time afterwards,
20 on the petition of either of the parents, revise and alter ~~such~~
21 A decree concerning the care, custody, maintenance, and support
22 of the children, or any of them, and make a new decree concerning
23 the ~~same~~ CHILDREN, as the circumstances of the parents, and the
24 benefit of the children shall require.

25 (2) Except as otherwise provided in this section, the court
26 shall order support in an amount determined by application of the
27 child support formula developed by the state friend of the court

1 bureau. The court may enter an order that deviates from the
2 formula if the court determines from the facts of the case that
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14 (3) Subsection (2) does not prohibit the court from entering
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19 entered or revised and altered by the court shall provide ~~that~~
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21 ~~informed of both~~ ALL of the following:

22 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
23 COURT INFORMED OF THE name and address of his or her current
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27 1982, being section 552.602 of the Michigan Compiled Laws.

1 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
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