



HOUSE BILL No. 5629

February 27, 1996, Introduced by Reps. Cropsey, Kukuk, McBryde, Horton, Walberg, Sikkema, Voorhees, Gernaat, Law, Bodem, DeMars, Dalman, Nye, Geiger, DeLange, Bush, McManus and Jersevic and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 2 of Act No. 138 of the Public Acts of 1966, entitled as amended "The family support act," as amended by Act No. 292 of the Public Acts of 1990, being section 552.452 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 138 of the Public Acts of
2 1966, as amended by Act No. 292 of the Public Acts of 1990, being
3 section 552.452 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 2. (1) Upon the hearing of the complaint, in the
6 manner of a motion, the court may enter an order as it determines
7 proper for the support of the petitioner and the minor child or
8 children of the parties. The order shall provide that all

1 payments shall be made to the friend of the court. If the parent
2 complained of opposes the entry of the order upon the ground that
3 he or she is without sufficient financial ability to provide nec-
4 essary shelter, food, care, clothing, and other support for his
5 or her spouse and child or children, the burden of proving this
6 lack of ability ~~shall be~~ IS upon the parent against whom the
7 complaint is made. The order shall state in separate paragraphs
8 the amount of support for the petitioner until the further order
9 of the court, and the amount of support for each child until each
10 child reaches 18 years of age or until the further order of the
11 court. Subject to section ~~1e~~ 30 OF THE SUPPORT AND VISITATION
12 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING
13 SECTION 552.630 OF THE MICHIGAN COMPILED LAWS, the court may also
14 order support for the child after the child reaches 18 years of
15 age, or until the further order of the court.

16 ~~(2) Except as otherwise provided in this section, the court~~
17 ~~shall order support in an amount determined by application of the~~
18 ~~child support formula developed by the state friend of the court~~
19 ~~bureau. The court may enter an order that deviates from the for-~~
20 ~~mula if the court determines from the facts of the case that~~
21 ~~application of the child support formula would be unjust or inap-~~
22 ~~propriate and sets forth in writing or on the record all of the~~
23 ~~following:~~

24 ~~(a) The support amount determined by application of the~~
25 ~~child support formula.~~

26 ~~(b) How the support order deviates from the child support~~
27 ~~formula.~~

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

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

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

9 ~~(4) Beginning January 1, 1991, each support order entered by~~
10 ~~the court shall provide that each party shall keep the office of~~
11 ~~the friend of the court informed of both of the following:~~

12 ~~(a) The name and address of his or her current source of~~
13 ~~income. As used in this subdivision, "source of income" means~~
14 ~~that term as defined in section 2 of the support and visitation~~
15 ~~enforcement act, Act No. 295 of the Public Acts of 1982, being~~
16 ~~section 552.602 of the Michigan Compiled Laws.~~

17 ~~(b) Any health care coverage that is available to him or her~~
18 ~~as a benefit of employment or that is maintained by him or her,~~
19 ~~the name of the insurance company, health care organization, or~~
20 ~~health maintenance organization, the policy, certificate, or con-~~
21 ~~tract number, and the names and birth dates of the persons for~~
22 ~~whose benefit he or she maintains health care coverage under the~~
23 ~~policy, certificate, or contract.~~

24 ~~(5) For the purposes of this act, "support" may include pay-~~
25 ~~ment of the expenses of medical, dental, and other health care,~~
26 ~~child care expenses, and educational expenses. The court shall~~
27 ~~require that + or both parents shall obtain and maintain any~~

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

11 (2) ~~(6)~~ An order entered under this section shall ~~be~~
12 CONTAIN THE PROVISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS
13 AUTHORIZED BY, AND IS enforceable as provided in the support and
14 visitation enforcement act, Act No. 295 of the Public Acts of
15 1982, being sections 552.601 to 552.650 of the Michigan Compiled
16 Laws. IF THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE
17 CONTENTS OR ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A
18 PROVISION IN THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT
19 CONTROLS IN REGARD TO THAT PROVISION.

20 Section 2. Section 1c of Act No. 138 of the Public Acts of
21 1966, being section 552.451c of the Michigan Compiled Laws, is
22 repealed.

23 Section 3. This amendatory act shall not take effect unless
24 Senate Bill No. _____ or House Bill No. 5634 (request
25 no. 05707'95) of the 88th Legislature is enacted into law.