



HOUSE BILL No. 5630

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

A bill to amend section 3 of Act No. 293 of the Public Acts of 1968, entitled as amended

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

as amended by Act No. 295 of the Public Acts of 1990, being section 722.3 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 3 of Act No. 293 of the Public Acts of
2 1968, as amended by Act No. 295 of the Public Acts of 1990, being
3 section 722.3 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 3. (1) The parents are jointly and severally obligated
2 to support a minor unless a court of competent jurisdiction
3 modifies or terminates the obligation or the minor is emancipated
4 by operation of law, except as otherwise ordered by a court of
5 competent jurisdiction. Subject to section ~~3a~~ 30 OF THE SUP-
6 PORT AND VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC
7 ACTS OF 1982, BEING SECTION 552.630 OF THE MICHIGAN COMPILED
8 LAWS, a court of competent jurisdiction may order support as pro-
9 vided in this section for a child after he or she reaches 18
10 years of age.

11 (2) The duty of support may be enforced by the minor or the
12 child who has reached 18 years of age, his or her guardian, any
13 relative within the third degree, an authorized government
14 agency, or if the minor or the child who has reached 18 years of
15 age is being supported in whole or in part by public assistance
16 under the social welfare act, Act No. 280 of the Public Acts of
17 1939, ~~as amended,~~ being sections 400.1 to ~~400.121~~ 400.119B of
18 the Michigan Compiled Laws, by the director of the ~~state depart-~~
19 ~~ment of social services~~ FAMILY INDEPENDENCE AGENCY, or his or
20 her designated representative, or by the director of the county
21 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY, or
22 his or her designated representative, of the county where an
23 action under this act is brought. An action for enforcement
24 shall be brought in the circuit court in the county where the
25 minor or the child who has reached 18 years of age resides. If a
26 designated official of either the state or a county ~~department~~
27 ~~of social services~~ FAMILY INDEPENDENCE AGENCY brings an action

1 under this act on behalf of the minor or the child who has
2 reached 18 years of age, then the prosecuting attorney or an
3 attorney employed by the county ~~pursuant to~~ UNDER section 1 of
4 Act No. 15 of the Public Acts of 1941, ~~as amended,~~ being sec-
5 tion 49.71 of the Michigan Compiled Laws, shall represent the
6 official in initiating and conducting the proceedings under this
7 act. The prosecuting attorney shall utilize the child support
8 formula developed under section 19 of the friend of the court
9 act, Act No. 294 of the Public Acts of 1982, being section
10 552.519 of the Michigan Compiled Laws, as a guideline in peti-
11 tioning for child support.

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

20 ~~(a) The support amount determined by application of the~~
21 ~~child support formula.~~

22 ~~(b) How the support order deviates from the child support~~
23 ~~formula.~~

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

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

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

5 ~~(5) Beginning January 1, 1991, each support order entered or~~
6 ~~modified by the court shall provide that each party shall keep~~
7 ~~the office of the friend of the court informed of both of the~~
8 ~~following:~~

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

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

21 ~~(6) 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. A judgment~~
24 ~~entered under this section providing for support of a minor shall~~
25 ~~require that + or both parents shall obtain or maintain any~~
26 ~~health care coverage that is available to them at a reasonable~~
27 ~~cost, as a benefit of employment, for the benefit of the minor~~

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

8 (3) ~~(7)~~ A judgment entered under this section providing
9 for support shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED BY, MAY
10 CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable as pro-
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. IF THIS ACT CONTAINS A SPECIFIC PRO-
14 VISION REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT ORDER
15 THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND VISITATION
16 ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT PROVISION.

17 Section 2. Section 3a of Act No. 293 of the Public Acts of
18 1968, being section 722.3a of the Michigan Compiled Laws, is
19 repealed.

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