



**House
Legislative
Analysis
Section**

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**CONSOLIDATE CHILD SUPPORT
PROVISIONS**

**House Bill 5629 (Substitute H-2)
Sponsor: Rep. Alan Cropsey**

**House Bill 5630 (Substitute H-2)
Sponsor: Rep. Allen Lowe**

**House Bill 5631 (Substitute H-3)
Sponsor: Rep. Gerald Law**

**House Bill 5632 (Substitute H-2)
Sponsor: Rep. Lloyd Weeks**

**House Bill 5633 (Substitute H-2)
Sponsor: Rep. Robert DeMars**

**House Bill 5634 (Substitute H-3)
Sponsor: Rep. Michael Griffin**

First Analysis (5-23-96)

Committee: Judiciary and Civil Rights

THE APPARENT PROBLEM:

Under current law there are nearly identical provisions regarding child support contained in five different acts. These provisions set forth the conditions under which the court may deviate from the amount of child support determined by the child support formula, requirements that the parties keep the friend of the court (FOC) informed as to their current sources of income and any health care that is available to them as a benefit of employment, the conditions under which the court may order health care coverage to be maintained for a child, and the circumstances under which support may be ordered for children beyond their 18th birthday.

It has been suggested by the Legislative Service Bureau that consolidating these provisions within one act would make it easier and more convenient to find and review these child support provisions.

THE CONTENT OF THE BILLS:

The package would delete language from several different acts and consolidate the deleted provisions from those acts in the Support and Parenting Time Enforcement Act. Specifically, the bills would remove

provisions from each of the acts regarding deviations from child support formulas, requirements that parents report their sources of income and available health care coverage to the friend of the court, and requirements that parents maintain health care coverage for their children. The bills would also repeal sections of the acts that set forth the conditions under which a support order may require the provision of support for a child who has passed the age of 18.

House Bill 5634 would amend the Support and Parenting Time Enforcement Act to incorporate into the act the provisions that would be deleted from the various acts by House Bills 5629-5633. The Support and Parenting Time Enforcement Act would then contain provisions (in language substantially similar to that which would be removed from the other acts by the other bills) establishing accepted reasons for deviating from the child support formula, provisions establishing when and how parents may be required to maintain health care coverage for their children, and provisions establishing when a parent may be compelled to provide child support for a child who has passed the age of 18.

House Bills 5629-5634 (5-23-96)

The bill would also add enforcement actions under the Paternity Act to the list of applicable laws under which the circuit court may take enforcement action. In addition, the bill would add a provision requiring that in the case of conflicts between the Support and Parenting Time Enforcement Act and any other acts, with regard to specific provisions in support orders, the provisions of the other act would be controlling.

House Bills 5629-5633 would delete language from various acts that provides for the court to order child support in an amount determined by the child support formula or an amount that deviates from the formula under specified circumstances. The bills would also delete language requiring a parent to inform the friend of the court of his or her sources of income and available health care coverage, as well as requiring parents to maintain health care coverage for their children. The bills would also provide that the court could order support for a child who had passed the age of 18 under section 30 of the Support and Parenting Time Enforcement Act (which would be established by House Bill 5634). In addition, the bills would require that any conflicts between the provisions contained in the Support and Parenting Time Enforcement Act and the provisions of the acts amended by the bills would be controlled by those specific acts. Finally, each bill would repeal the section of each act that sets forth the conditions under which a support order may require the provision of support for a child who has passed the age of 18.

House Bill 5629 would amend the Family Support Act (MCL 552.452 et al.). House Bill 5630 would amend the emancipation of minors act (MCL 722.3 et al.). House Bill 5631 would amend the Child Custody Act (MCL 722.27 et al.). House Bill 5632 would amend the Paternity Act (MCL 722.717 et al.). House Bill 5633 would amend Chapter 84 of the Revised Statutes of 1846, entitled "Of Divorce" (MCL 552.15 et al.).

House Bills 5629-5633 are tie-barred to House Bill 5634, which is in turn tie-barred to each of the others. In addition, House Bill 5634 is also tie-barred to House Bills 4432 (which would amend the no-fault divorce statute), 5627 (which would encourage the friend of the court to use electronic methods for collection and distribution of support payments), 5628 (which would require the friend of the court to establish a spousal support formula), 5635 (which would amend the prerequisites for issuance of a marriage license), and 5637 (which would establish the "parenting plan act").

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills would have an indeterminate fiscal impact. (5-21-96)

ARGUMENTS:

For:

The bills will simplify the laws concerning child custody: rather than having to examine several different acts, one could find the language in one act. The bills' effect is only technical; they would not change the substance of the law, but merely change where the child custody provisions can be found.

Against:

Although it attempts to simplify matters by consolidating language into one act, the package could increase confusion by providing that the other acts are controlling in cases of conflict between those acts and the consolidated language. It would make more sense to have the consolidated language control in cases of conflict, since presumably that will be the act to which people will turn when trying to determine the status of the law.

POSITIONS:

The Michigan Catholic Conference supports the bills. (5-22-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.