



HOUSE BILL No. 5631

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

A bill to amend section 7 of Act No. 91 of the Public Acts of 1970, entitled as amended
"Child custody act of 1970,"
as amended by Act No. 293 of the Public Acts of 1990, being section 722.27 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 7 of Act No. 91 of the Public Acts of
2 1970, as amended by Act No. 293 of the Public Acts of 1990, being
3 section 722.27 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. (1) If a child custody dispute has been submitted
6 to the circuit court as an original action under this act or has
7 arisen incidentally from another action in the circuit court or

1 an order or judgment of the circuit court, for the best interests
2 of the child the court may DO ANY OF THE FOLLOWING:

3 (a) Award the custody of the child to 1 or more of the par-
4 ties involved or to others and provide for payment of support for
5 the child, until the child reaches 18 years of age. Subject to
6 section ~~4a~~ 30 OF THE SUPPORT AND VISITATION ENFORCEMENT ACT,
7 ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTION 552.630 OF
8 THE MICHIGAN COMPILED LAWS, the court may also order support as
9 provided in this section for a child after he or she reaches
10 18 years of age. ~~The court may require that support payments~~
11 ~~shall be made through the friend of the court or clerk of the~~
12 ~~court.~~

13 (b) Provide for reasonable visitation of the child by the
14 parties involved, BY the maternal or paternal grandparents, or by
15 others, by general or specific terms and conditions. Visitation
16 of the child by the parents ~~shall be~~ IS governed by
17 section 7a.

18 (c) Modify or amend its previous judgments or orders for
19 proper cause shown or because of change of circumstances until
20 the child reaches 18 years of age, and, subject to section ~~4a~~
21 30 OF THE SUPPORT AND VISITATION ENFORCEMENT ACT, ACT NO. 295 OF
22 THE PUBLIC ACTS OF 1982, BEING SECTION 552.630 OF THE MICHIGAN
23 COMPILED LAWS, ~~until~~ AFTER the child reaches ~~19~~ 18 years ~~and~~
24 ~~6 months~~ of age. The court shall not modify or amend its previ-
25 ous judgments or orders or issue a new order so as to change the
26 established custodial environment of a child unless there is
27 presented clear and convincing evidence that it is in the best

1 interest of the child. The custodial environment of a child is
2 established if over an appreciable time the child naturally looks
3 to the custodian in that environment for guidance, discipline,
4 the necessities of life, and parental comfort. The age of the
5 child, the physical environment, and the inclination of the cus-
6 todian and the child as to permanency of the relationship shall
7 also be considered.

8 (d) Utilize the community resources in behavioral sciences
9 and other professions in the investigation and study of custody
10 disputes and consider their recommendations for the resolution of
11 the disputes.

12 (e) Appoint a guardian ad litem or counsel for the child and
13 assess the costs and reasonable fees against 1 or more parties
14 involved, totally or partially.

15 (f) Take any other action considered to be necessary in a
16 particular child custody dispute.

17 (g) Upon petition, consider the reasonable visitation of
18 maternal or paternal grandparents and, if denied, make a record
19 of ~~such~~ THE denial.

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

1 ~~(a) The support amount determined by application of the~~
2 ~~child support formula.~~

3 ~~(b) How the support order deviates from the child support~~
4 ~~formula.~~

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

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

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

13 ~~(4) Beginning January 1, 1991, each support order entered,~~
14 ~~modified, or amended by the court shall provide that each party~~
15 ~~shall keep the office of the friend of the court informed of both~~
16 ~~of the following:~~

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

22 ~~(b) Any health care coverage that is available to him or her~~
23 ~~as a benefit of employment or that is maintained by him or her,~~
24 ~~the name of the insurance company, health care organization, or~~
25 ~~health maintenance organization; the policy, certificate, or con-~~
26 ~~tract number; and the names and birth dates of the persons for~~

1 ~~whose benefit he or she maintains health care coverage under the~~
2 ~~policy, certificate, or contract.~~

3 ~~(5) For the purposes of this act, "support" may include pay-~~
4 ~~ment of the expenses of medical, dental, and other health care,~~
5 ~~child care expenses, and educational expenses. The court shall~~
6 ~~require that 1 or both parents of a child who is the subject of a~~
7 ~~petition under this section shall obtain or maintain any health~~
8 ~~care coverage that is available to them at a reasonable cost, as~~
9 ~~a benefit of employment, for the benefit of the child. If a~~
10 ~~parent is self employed and maintains health care coverage, the~~
11 ~~court shall require the parent to obtain or maintain dependent~~
12 ~~coverage for the benefit of the child, if available at a reason-~~
13 ~~able cost.~~

14 (2) ~~(6)~~ A judgment or order entered under this act provid-
15 ing for the support of a child SHALL CONTAIN THE PROVISIONS
16 REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND is
17 enforceable as provided in the support and visitation enforcement
18 act, Act No. 295 of the Public Acts of 1982, being sections
19 552.601 to 552.650 of the Michigan Compiled Laws. IF THIS ACT
20 CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR ENFORCE-
21 MENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE
22 SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN
23 REGARD TO THAT PROVISION.

24 Section 2. Section 4a of Act No. 91 of the Public Acts of
25 1970, being section 722.24a of the Michigan Compiled Laws, is
26 repealed.

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