



# HOUSE BILL No. 5633

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

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; and to repeal acts and parts of acts.

**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

1 court's own motion, the court may enter ~~such~~ orders concerning  
2 the care, custody, and support of the minor children of the par-  
3 ties during the pendency of the action as the court considers  
4 proper and necessary. Subject to section ~~16a~~ 30 OF THE SUPPORT  
5 AND VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF  
6 1982, BEING SECTION 552.630 OF THE MICHIGAN COMPILED LAWS, the  
7 court may also order support as provided in this subsection for  
8 the parties' children who are not minor children.

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

17 ~~(a) The support amount determined by application of the~~  
18 ~~child support formula.~~

19 ~~(b) How the support order deviates from the child support~~  
20 ~~formula.~~

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

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

25 ~~(3) Subsection (2) does not prohibit the court from entering~~  
26 ~~a support order that is agreed to by the parties and that~~

1 ~~deviates from the child support formula, if the requirements of~~  
2 ~~subsection (2) are met.~~

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

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

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

18 ~~(5) For the purposes of this section, "support" may include~~  
19 ~~payment of the expenses of medical, dental, and other health~~  
20 ~~care, child care expenses, and educational expenses. If a sup-~~  
21 ~~port order is entered, the court shall require that 1 or both~~  
22 ~~parents shall obtain or maintain any health care coverage that is~~  
23 ~~available to them at a reasonable cost, as a benefit of employ-~~  
24 ~~ment, for the benefit of the minor children of the parties and,~~  
25 ~~subject to section 16a, for the benefit of the parties' children~~  
26 ~~who are not minor children. If a parent is self employed and~~  
27 ~~maintains health care coverage, the court shall require the~~

1 ~~parent to obtain or maintain dependent coverage for the benefit~~  
 2 ~~of the minor children of the parties and, subject to section 16a,~~  
 3 ~~for the benefit of the parties' children who are not minor chil-~~  
 4 ~~dren, if available at a reasonable cost.~~

5 (2) ~~(6) Orders~~ AN ORDER concerning the support of  
 6 ~~children~~ A CHILD of the parties shall ~~be~~ CONTAIN THE PROVI-  
 7 SIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND  
 8 IS enforceable as provided in the support and visitation enforce-  
 9 ment act, Act No. 295 of the Public Acts of 1982, being sections  
 10 552.601 to 552.650 of the Michigan Compiled Laws. IF THIS ACT  
 11 CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR ENFORCE-  
 12 MENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE  
 13 SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN  
 14 REGARD TO THAT PROVISION.

15 (3) ~~(7)~~ The court may waive jurisdiction of ~~any~~ A minor  
 16 ~~children~~ CHILD under the age of 17 during the pendency of the  
 17 action to the probate court ~~to~~ to be governed by the laws of  
 18 this state with respect to dependent and neglected children under  
 19 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~~ A minor ~~children~~ CHILD of  
 24 the parties. Subject to section ~~16a~~ 30 OF THE SUPPORT AND VIS-  
 25 ITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982,  
 26 BEING SECTION 552.630 OF THE MICHIGAN COMPILED LAWS, the court  
 27 may also order support as provided in this subsection for the

1 parties' children who are not minor children. ~~The court may~~  
2 ~~require either parent to file a bond with 1 or more sufficient~~  
3 ~~sureties, in a sum to be fixed by the court, guaranteeing payment~~  
4 ~~of the support ordered in the judgment.~~

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 support order entered by~~  
26 ~~the court shall provide that each party shall keep the office of~~  
27 ~~the friend of the court informed of both of the following:~~

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

6       ~~(b) Any health care coverage that is available to him or her~~  
7 ~~as a benefit of employment or that is maintained by him or her;~~  
8 ~~the name of the insurance company, health care organization, or~~  
9 ~~health maintenance organization; the policy, certificate, or con-~~  
10 ~~tract number; and the names and birth dates of the persons for~~  
11 ~~whose benefit he or she maintains health care coverage under the~~  
12 ~~policy, certificate, or contract.~~

13       ~~(5) For the purposes of this section, "support" may include~~  
14 ~~payment of the expenses of medical, dental, and other health~~  
15 ~~care, child care expenses, and educational expenses. The judg-~~  
16 ~~ment shall require that + or both parents shall obtain or main-~~  
17 ~~tain any health care coverage that is available to them at a rea-~~  
18 ~~sonable cost, as a benefit of employment, for the benefit of the~~  
19 ~~minor children of the parties and, subject to section 16a, for~~  
20 ~~the benefit of the parties' children who are not minor children.~~  
21 ~~If a parent is self-employed and maintains health care coverage,~~  
22 ~~the court shall require the parent to obtain or maintain depen-~~  
23 ~~dent coverage for the benefit of the minor children of the par-~~  
24 ~~ties and, subject to section 16a, for the benefit of the parties'~~  
25 ~~children who are not minor children, if available at a reasonable~~  
26 ~~cost.~~

1       (2) ~~(6) Orders~~ AN ORDER concerning the support of  
2 ~~children~~ A CHILD of the parties shall ~~be~~ CONTAIN THE  
3 PROVISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY,  
4 AND IS enforceable as provided in the support and visitation  
5 enforcement act, Act No. 295 of the Public Acts of 1982, being  
6 sections 552.601 to 552.650 of the Michigan Compiled Laws. IF  
7 THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR  
8 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN  
9 THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN  
10 REGARD TO THAT PROVISION.

11       (3) ~~(7) The court, in~~ IN the judgment or after entry of  
12 the judgment, THE COURT may waive jurisdiction of ~~any~~ A minor  
13 ~~children~~ CHILD under the age of 17 years to the probate court  
14 to be governed by the laws of this state with respect to depen-  
15 dent and neglected children under the age of 17 years.

16       Sec. 17. (1) ~~The court may, from time to time afterwards,~~  
17 AFTER ENTRY OF A JUDGMENT CONCERNING ANNULMENT, DIVORCE, OR SEPA-  
18 RATE MAINTENANCE AND on the petition of either ~~of the parents~~  
19 PARENT, THE COURT MAY revise and alter ~~such~~ A decree concerning  
20 the care, custody, maintenance, and support of the children, or  
21 any of them, and make a new decree ~~concerning the same,~~ as the  
22 circumstances of the parents ~~,~~ and the benefit of the children  
23 ~~shall~~ require.

24       ~~(2) Except as otherwise provided in this section, the court~~  
25 ~~shall order support in an amount determined by application of the~~  
26 ~~child support formula developed by the state friend of the court~~  
27 ~~bureau. The court may enter an order that deviates from the~~

~~1 formula if the court determines from the facts of the case that  
2 application of the child support formula would be unjust or inap-  
3 propriate and sets forth in writing or on the record all of the  
4 following:~~

~~5 (a) The support amount determined by application of the  
6 child support formula.~~

~~7 (b) How the support order deviates from the child support  
8 formula.~~

~~9 (c) The value of property or other support awarded in lieu  
10 of the payment of child support, if applicable.~~

~~11 (d) The reasons why application of the child support formula  
12 would be unjust or inappropriate in the case.~~

~~13 (3) Subsection (2) does not prohibit the court from entering  
14 a support order that is agreed to by the parties and that devi-  
15 ates from the child support formula, if the requirements of sub-  
16 section (2) are met.~~

~~17 (4) Beginning January 1, 1991, each support order entered or  
18 revised and altered by the court shall provide that each party  
19 shall keep the office of the friend of the court informed of both  
20 of the following:~~

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

~~26 (b) Any health care coverage that is available to him or her  
27 as a benefit of employment or that is maintained by him or her;~~

~~1 the name of the insurance company, health care organization, or  
2 health maintenance organization, the policy, certificate, or con-  
3 tract number, and the names and birth dates of the persons for  
4 whose benefit he or she maintains health care coverage under the  
5 policy, certificate, or contract.~~

~~6 (5) For the purposes of this section, "support" may include  
7 payment of the expenses of medical, dental, and other health  
8 care, child care expenses, and educational expenses. If a sup-  
9 port order is entered, the court shall require that + or both  
10 parents shall obtain or maintain any health care coverage that is  
11 available to them at a reasonable cost, as a benefit of employ-  
12 ment, for the benefit of the minor children of the parties and,  
13 subject to section 16a, for the benefit of the parties' children  
14 who are not minor children. If a parent is self employed and  
15 maintains health care coverage, the court shall require the  
16 parent to obtain or maintain dependent coverage for the benefit  
17 of the minor children of the parties and, subject to section 16a,  
18 for the benefit of the parties' children who are not minor chil-  
19 dren, if available at a reasonable cost.~~

~~20 (2) (6) Orders~~ AN ORDER concerning the support of  
21 ~~children~~ A CHILD of the parties shall ~~be~~ CONTAIN THE PROVI-  
22 SIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND  
23 IS enforceable as provided in the support and visitation enforce-  
24 ment act, Act No. 295 of the Public Acts of 1982, being sections  
25 552.601 to 552.650 of the Michigan Compiled Laws. IF THIS ACT  
26 CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR  
27 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN

1 THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN  
2 REGARD TO THAT PROVISION.

3 Section 2. Section 16a of chapter 84 of the Revised  
4 Statutes of 1846, being section 552.16a of the Michigan Compiled  
5 Laws, is repealed.

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