



HOUSE BILL No. 5634

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

A bill to amend the title and section 27 of Act No. 295 of the Public Acts of 1982, entitled as amended "Support and visitation enforcement act," section 27 as amended by Act No. 210 of the Public Acts of 1985, being section 552.627 of the Michigan Compiled Laws; and to add sections 28, 29, and 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 27 of Act No. 295 of the
2 Public Acts of 1982, section 27 as amended by Act No. 210 of the
3 Public Acts of 1985, being section 552.627 of the Michigan
4 Compiled Laws, are amended and sections 28, 29, and 30 are added
5 to read as follows:

TITLE

1
2 An act TO PROVIDE FOR AND to supplement statutes ~~which~~
3 THAT provide for the enforcement of support and visitation orders
4 with respect to divorce, separate maintenance, paternity, child
5 custody, and spouse support; TO PRESCRIBE AND AUTHORIZE CERTAIN
6 PROVISIONS OF THOSE ORDERS; to prescribe the powers and duties of
7 the circuit court and friend of the court; to prescribe certain
8 duties of certain employers and other sources of income; to pro-
9 vide for penalties and remedies; and to repeal ~~certain~~ acts and
10 parts of acts.

11 Sec. 27. (1) The circuit court may take other enforcement
12 action under applicable laws, including, but not limited to, the
13 following:

14 (a) Chapter 84 of the Revised Statutes of 1846, being sec-
15 tions 552.1 to 552.45 of the Michigan Compiled Laws.

16 (b) Act No. 379 of the Public Acts of 1913, being sections
17 552.151 to 552.155 of the Michigan Compiled Laws.

18 (c) The family support act, Act No. 138 of the Public Acts
19 of 1966, being sections 552.451 to 552.459 of the Michigan
20 Compiled Laws.

21 (d) Section 1701 of the revised judicature act of 1961, Act
22 No. 236 of the Public Acts of 1961, being section 600.1701 of the
23 Michigan Compiled Laws.

24 (e) Act No. 293 of the Public Acts of 1968, being sections
25 722.1 to 722.6 of the Michigan Compiled Laws.

1 (f) The child custody act of 1970, Act No. 91 of the Public
2 Acts of 1970, being sections 722.21 to 722.29 of the Michigan
3 Compiled Laws.

4 (G) THE PATERNITY ACT, ACT NO. 205 OF THE PUBLIC ACTS OF
5 1956, BEING SECTIONS 722.711 TO 722.730 OF THE MICHIGAN COMPILED
6 LAWS.

7 (2) IF ANOTHER ACT OF THIS STATE PROVIDES THAT THIS ACT
8 APPLIES TO SUPPORT ORDERS ISSUED UNDER THE OTHER ACT AND IF THAT
9 OTHER ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
10 ENFORCEMENT OF THE SUPPORT ORDER THAT CONFLICTS WITH THIS ACT,
11 THE OTHER ACT CONTROLS IN REGARD TO THAT PROVISION.

12 SEC. 28. (1) IF A COURT ORDERS THE PAYMENT OF SUPPORT UNDER
13 THIS OR ANOTHER ACT OF THE STATE, THIS SECTION APPLIES TO THAT
14 ORDER.

15 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT
16 SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY APPLICATION OF THE
17 CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE COURT
18 BUREAU. THE COURT MAY ENTER AN ORDER THAT DEVIATES FROM THE FOR-
19 MULA IF THE COURT DETERMINES FROM THE FACTS OF THE CASE THAT
20 APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR INAP-
21 PROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF THE
22 FOLLOWING:

23 (A) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE
24 CHILD SUPPORT FORMULA.

25 (B) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT
26 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) THE COURT MAY REQUIRE THAT SUPPORT PAYMENTS BE MADE
10 THROUGH THE FRIEND OF THE COURT.

11 SEC. 29. (1) A SUPPORT ORDER ENTERED OR MODIFIED BY THE
12 COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE OF THE
13 FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

14 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF
15 INCOME.

16 (B) HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER AS
17 A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER; THE
18 NAME OF THE INSURANCE COMPANY, NONPROFIT HEALTH CARE CORPORATION,
19 OR HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR
20 CONTRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR
21 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE
22 POLICY, CERTIFICATE, OR CONTRACT.

23 (2) IF A SUPPORT ORDER IS ENTERED, THE COURT SHALL REQUIRE
24 THAT 1 OR BOTH PARENTS OBTAIN OR MAINTAIN HEALTH CARE COVERAGE
25 THAT IS AVAILABLE TO THEM AT A REASONABLE COST, AS A BENEFIT OF
26 EMPLOYMENT, FOR THE BENEFIT OF THE MINOR CHILDREN OF THE PARTIES
27 AND, SUBJECT TO SECTION 30, FOR THE BENEFIT OF THE PARTIES'

1 CHILDREN WHO ARE NOT MINOR CHILDREN. IF A PARENT IS
2 SELF-EMPLOYED AND MAINTAINS HEALTH CARE COVERAGE, THE COURT SHALL
3 REQUIRE THE PARENT TO OBTAIN OR MAINTAIN DEPENDENT COVERAGE FOR
4 THE BENEFIT OF THE MINOR CHILDREN OF THE PARTIES AND, SUBJECT TO
5 SECTION 30, FOR THE BENEFIT OF THE PARTIES' CHILDREN WHO ARE NOT
6 MINOR CHILDREN, IF AVAILABLE AT A REASONABLE COST.

7 (3) A COURT MAY REQUIRE EITHER PARENT TO FILE A BOND WITH 1
8 OR MORE SUFFICIENT SURETIES, IN A SUM TO BE FIXED BY THE COURT,
9 GUARANTEEING PAYMENT OF SUPPORT.

10 SEC. 30. (1) A COURT THAT ORDERS SUPPORT MAY ORDER SUPPORT
11 FOR A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE AS PROVIDED
12 IN THIS SECTION.

13 (2) THE COURT MAY ORDER SUPPORT FOR THE TIME A CHILD IS REG-
14 ULARLY ATTENDING HIGH SCHOOL ON A FULL-TIME BASIS WITH A REASON-
15 ABLE EXPECTATION OF COMPLETING SUFFICIENT CREDITS TO GRADUATE
16 FROM HIGH SCHOOL WHILE RESIDING ON A FULL-TIME BASIS WITH THE
17 PAYEE OF SUPPORT OR AT AN INSTITUTION, BUT IN NO CASE AFTER THE
18 CHILD REACHES 19 YEARS AND 6 MONTHS OF AGE. A COMPLAINT OR
19 MOTION REQUESTING SUPPORT AS PROVIDED IN THIS SECTION MAY BE
20 FILED AT ANY TIME BEFORE THE CHILD REACHES 19 YEARS AND 6 MONTHS
21 OF AGE.

22 (3) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
23 BEFORE OCTOBER 10, 1990 THAT PROVIDES FOR THE SUPPORT OF A CHILD
24 AFTER THE CHILD REACHES 18 YEARS OF AGE, WITHOUT AN AGREEMENT OF
25 THE PARTIES AS DESCRIBED IN SUBSECTION (4), IS VALID AND ENFORCE-
26 ABLE TO THE EXTENT THE PROVISION PROVIDES SUPPORT FOR THE CHILD
27 FOR THE TIME THE CHILD IS REGULARLY ATTENDING HIGH SCHOOL ON A

1 FULL-TIME BASIS WITH A REASONABLE EXPECTATION OF COMPLETING
2 SUFFICIENT CREDITS TO GRADUATE FROM HIGH SCHOOL WHILE RESIDING ON
3 A FULL-TIME BASIS WITH THE PAYEE OF SUPPORT OR AT AN INSTITUTION,
4 BUT IN NO CASE AFTER THE CHILD REACHES 19 YEARS AND 6 MONTHS OF
5 AGE. THIS SUBSECTION DOES NOT REQUIRE PAYMENT OF SUPPORT FOR A
6 CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE FOR ANY PERIOD
7 BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990, OR REIMBURSEMENT
8 OF SUPPORT PAID BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990, IN
9 THOSE JUDICIAL CIRCUITS THAT DID NOT ENFORCE SUPPORT FOR A CHILD
10 AFTER THE CHILD REACHED 18 YEARS OF AGE DURING THE PERIOD BETWEEN
11 NOVEMBER 8, 1989 AND OCTOBER 10, 1990.

12 (4) NOTWITHSTANDING SUBSECTION (2), A PROVISION CONTAINED IN
13 A JUDGMENT OR AN ORDER ENTERED UNDER THIS ACT BEFORE, ON, AND
14 AFTER THE EFFECTIVE DATE OF THIS SECTION THAT PROVIDES FOR THE
15 SUPPORT OF A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE IS
16 VALID AND ENFORCEABLE IF 1 OR MORE OF THE FOLLOWING APPLY:

17 (A) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
18 AGREEMENT OF THE PARTIES AS STATED IN THE JUDGMENT OR ORDER.

19 (B) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
20 AGREEMENT OF THE PARTIES AS EVIDENCED BY THE APPROVAL OF THE SUB-
21 STANCE OF THE JUDGMENT OR ORDER BY THE PARTIES OR THEIR
22 ATTORNEYS.

23 (C) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
24 WRITTEN AGREEMENT SIGNED BY THE PARTIES.

25 (D) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
26 ORAL AGREEMENT OF THE PARTIES AS STATED ON THE RECORD BY THE
27 PARTIES OR THEIR ATTORNEYS.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 88th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 5633 (request
5 no. 05707'95 a).

6 (b) Senate Bill No. _____ or House Bill No. 5631 (request
7 no. 05707'95 b).

8 (c) Senate Bill No. _____ or House Bill No. 5632 (request
9 no. 05707'95 c).

10 (d) Senate Bill No. _____ or House Bill No. 5630 (request
11 no. 05707'95 d).

12 (e) Senate Bill No. _____ or House Bill No. 5629 (request
13 no. 05707'95 e).