

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 317 through 322 (as introduced 3-13-01)
Sponsor: Senator Bev Hammerstrom (Senate Bills 317, 318, & 319)
Senator Shirley Johnson (Senate Bills 320, 321, & 322)
Committee: Families, Mental Health and Human Services

Date Completed: 3-28-01

CONTENT

Senate Bill 317 would amend the Support and Parenting Time Enforcement Act to incorporate in that Act child support order provisions that would be deleted and repealed from several other statutes by Senate Bills 318 through 322. The bill also specifies that, even if another Michigan statute provided that the Support and Parenting Time Enforcement Act applied to support orders issued under that other law, if the other law contained a specific provision regarding the contents or enforcement of the support order that conflicted with the Support and Parenting Time Enforcement Act, the other law would control in regard to that provision.

Senate Bills 318 through 322 would amend various statutes to delete child support order provisions that would be included in the Support and Parenting Time Enforcement Act under Senate Bill 317. The bills would repeal a section in each of those statutes that provides for support orders for children who are not minors, under certain circumstances. The bills, instead, would refer to the child support order provisions codified in Senate Bill 317. Each bill also specifies that if the statute it would amend contained a specific provision regarding the contents or enforcement of a support order that conflicted with a provision in the Support and Parenting Time Enforcement Act, the other statute would control in regard to that provision.

Senate Bill 318 would amend Chapter 84 of the Revised Statutes of 1846, which regulates divorce; Senate Bill 319 would amend the Child Custody Act; Senate Bill 320 would amend the Paternity Act; Senate Bill 321 would amend the emancipation of minors law; and Senate Bill 322 would amend the Family Support Act.

Senate Bill 317 is tie-barred to Senate Bills 318 through 322, which are tie-barred to Senate Bill 317. The bills would take effect on January 1, 2002.

Specifically, under the provisions that would be consolidated in the Support and Parenting Time Enforcement Act and deleted from other laws, a court must order child support in an amount determined by application of the child support formula developed by the State Friend of the Court (FOC) Bureau as required in the FOC Act (MCL 552.519). The court may enter an order that deviates from the formula if it determines from the facts of a case that application of the formula would be unjust or inappropriate and the court sets forth in writing or on the record all of the following:

- The child support amount determined by application of the child support formula.
- How the child support order deviates from the formula.
- The value of property or other support awarded in lieu of the payment of child support, if applicable.
- The reasons why application of the child support formula would be unjust or inappropriate in the case.

These provisions do not prohibit the court from entering a child support order that is agreed to by the parties and that deviates from the child support formula, if the requirements for deviating from the formula are met.

A child support order entered or modified by the court must require that each party keep the FOC office informed of the name and address of his or her current source of income, as well as any health care

coverage that is available as a benefit of employment or that is maintained by the party; the name of the insurance company, nonprofit health care corporation, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the people for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

If a child support order is entered, the court must require that one or both parents obtain or maintain health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of the minor children of the parties, and for the benefit of the parties' children who are not minors, if applicable. If a parent is self-employed and maintains health care coverage, the court must require the parent to obtain or maintain dependent coverage for the benefit of the parties' minor children and for the benefit of the parties' children who are not minors, if applicable, if that coverage is available at a reasonable cost.

A court may require either parent to file a bond with one or more sufficient sureties, in a sum to be fixed by the court, guaranteeing payment of child support.

A court that orders child support may order support for a child after the he or she reaches 18 years of age, under certain conditions. The court may order child support for the time a child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the recipient of support or at an institution, but in no case after the child reaches 19 years and six months of age. A complaint or motion requesting such support may be filed at any time before the child reaches 19 years and six months of age.

MCL 552.603 et al. (S.B. 317)
552.1 et al. (S.B. 318)
722.27 (S.B. 319)
722.717 et al. (S.B. 320)
722.3 (S.B. 321)
552.452 (S.B. 322)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.