

SENATE BILL No. 318

March 13, 2001, Introduced by Senators HAMMERSTROM and JOHNSON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 1, 15, 16, 17, and 30 (MCL 552.1, 552.15, 552.16, 552.17, and 552.30), sections 15, 16, and 17 as amended by 1996 PA 9; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~All marriages which are~~ A MARRIAGE THAT IS pro-
2 hibited by law on account of consanguinity or affinity between
3 the parties, or on account of either ~~of them~~ PARTY having a
4 wife or husband then living, ~~and all marriages solemnized when~~
5 ~~either of the parties was insane or an idiot, shall~~ IS, if
6 solemnized within this state, ~~be~~ absolutely void. The issue of
7 ~~such~~ A marriage ~~shall be deemed~~ ARE legitimate.

8 Sec. 15. (1) After the filing of a complaint in an action
9 to annul a marriage or for a divorce or separate maintenance, on

1 the motion of either party or the friend of the court, or on the
2 court's own motion, the court may enter ~~such~~ orders concerning
3 the care, custody, and support of the minor children of the par-
4 ties during the pendency of the action AS PRESCRIBED IN SECTION 5
5 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
6 MCL 552.605, AND as the court considers proper and necessary.
7 Subject to section ~~16a~~ 5B OF THE SUPPORT AND PARENTING TIME
8 ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B, the court may also
9 order support as provided in this subsection for the parties'
10 children who are not minor children.

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

19 ~~(a) The support amount determined by application of the~~
20 ~~child support formula.~~

21 ~~(b) How the support order deviates from the child support~~
22 ~~formula.~~

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

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

1 ~~(3) Subsection (2) does not prohibit the court from entering~~
2 ~~a support order that is agreed to by the parties and that~~
3 ~~deviates from the child support formula, if the requirements of~~
4 ~~subsection (2) are met.~~

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

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

13 ~~(b) Any health care coverage that is available to him or her~~
14 ~~as a benefit of employment or that is maintained by him or her;~~
15 ~~the name of the insurance company, nonprofit health care corpora=~~
16 ~~tion, or health maintenance organization; the policy, certifi=~~
17 ~~cate, or contract number; and the names and birth dates of the~~
18 ~~persons for whose benefit he or she maintains health care cover=~~
19 ~~age under the policy, certificate, or contract.~~

20 ~~(5) For the purposes of this section, "support" may include~~
21 ~~payment of the expenses of medical, dental, and other health~~
22 ~~care, child care expenses, and educational expenses. If a sup=~~
23 ~~port order is entered, the court shall require that 1 or both~~
24 ~~parents shall obtain or maintain any health care coverage that is~~
25 ~~available to them at a reasonable cost, as a benefit of employ=~~
26 ~~ment, for the benefit of the minor children of the parties and,~~
27 ~~subject to section 16a, for the benefit of the parties' children~~

~~1 who are not minor children. If a parent is self-employed and
2 maintains health care coverage, the court shall require the
3 parent to obtain or maintain dependent coverage for the benefit
4 of the minor children of the parties and, subject to section 16a,
5 for the benefit of the parties' children who are not minor chil-
6 dren, if available at a reasonable cost.~~

7 (2) ~~(6) Orders~~ AN ORDER concerning the support of
8 ~~children~~ A CHILD of the parties ~~are~~ IS GOVERNED BY AND IS
9 enforceable as provided in the support and parenting time
10 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~
11 ~~sections 552.601 to 552.650 of the Michigan Compiled Laws 1982~~
12 PA 295, MCL 552.601 TO 552.650.

13 ~~(7) The court may waive jurisdiction of any minor children~~
14 ~~under the age of 17 during the pendency of the action to the pro-~~
15 ~~bate court, to be governed by the laws of this state with respect~~
16 ~~to dependent and neglected children under the age of 17 years.~~

17 Sec. 16. (1) Upon annulling a marriage or entering a judg-
18 ment of divorce or separate maintenance, the court may enter
19 ~~such~~ THE orders ~~as~~ it considers just and proper concerning
20 the care, custody, and, AS PRESCRIBED IN SECTION 5 OF THE SUPPORT
21 AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.605,
22 support of ~~the~~ A minor ~~children~~ CHILD of the parties.
23 Subject to section ~~16a~~ 5B OF THE SUPPORT AND PARENTING TIME
24 ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B, the court may also
25 order support as provided in this subsection for the parties'
26 children who are not minor children. ~~The court may require~~
27 ~~either parent to file a bond with 1 or more sufficient sureties,~~

~~1 in a sum to be fixed by the court, guaranteeing payment of the
2 support ordered in the judgment.~~

~~3 (2) Except as otherwise provided in this section, the court
4 shall order support in an amount determined by application of the
5 child support formula developed by the state friend of the court
6 bureau. The court may enter an order that deviates from the for=
7 mula if the court determines from the facts of the case that
8 application of the child support formula would be unjust or inap=
9 propriate and sets forth in writing or on the record all of the
10 following:~~

~~11 (a) The support amount determined by application of the
12 child support formula.~~

~~13 (b) How the support order deviates from the child support
14 formula.~~

~~15 (c) The value of property or other support awarded in lieu
16 of the payment of child support, if applicable.~~

~~17 (d) The reasons why application of the child support formula
18 would be unjust or inappropriate in the case.~~

~~19 (3) Subsection (2) does not prohibit the court from entering
20 a support order that is agreed to by the parties and that devi=
21 ates from the child support formula, if the requirements of sub=
22 section (2) are met.~~

~~23 (4) Beginning January 1, 1991, each support order entered by
24 the court shall provide that each party shall keep the office of
25 the friend of the court informed of both of the following:~~

~~26 (a) The name and address of his or her current source of
27 income. As used in this subdivision, "source of income" means~~

~~1 that term as defined in section 2 of the support and parenting
2 time enforcement act, Act No. 295 of the Public Acts of 1982,
3 being section 552.602 of the Michigan Compiled Laws.~~

~~4 (b) Any health care coverage that is available to him or her
5 as a benefit of employment or that is maintained by him or her;
6 the name of the insurance company, nonprofit health care corpora=
7 tion, or health maintenance organization; the policy, certifi=
8 cate, or contract number; and the names and birth dates of the
9 persons for whose benefit he or she maintains health care cover=
10 age under the policy, certificate, or contract.~~

~~11 (5) For the purposes of this section, "support" may include
12 payment of the expenses of medical, dental, and other health
13 care, child care expenses, and educational expenses. The judg=
14 ment shall require that 1 or both parents shall obtain or main=
15 tain any health care coverage that is available to them at a rea=
16 sonable cost, as a benefit of employment, for the benefit of the
17 minor children of the parties and, subject to section 16a, for
18 the benefit of the parties' children who are not minor children.
19 If a parent is self-employed and maintains health care coverage,
20 the court shall require the parent to obtain or maintain depen=
21 dent coverage for the benefit of the minor children of the par=
22 ties and, subject to section 16a, for the benefit of the parties'
23 children who are not minor children, if available at a reasonable
24 cost.~~

~~25 (2) (6) Orders AN ORDER concerning the support of
26 children A CHILD of the parties are IS GOVERNED BY AND IS
27 enforceable as provided in the support and parenting time~~

1 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~
2 ~~sections 552.601 to 552.650 of the Michigan Compiled Laws 1982~~
3 ~~PA 295, MCL 552.601 TO 552.650.~~

4 ~~(7) The court, in the judgment or after entry of the judg-~~
5 ~~ment, may waive jurisdiction of any minor children under the age~~
6 ~~of 17 years to the probate court to be governed by the laws of~~
7 ~~this state with respect to dependent and neglected children under~~
8 ~~the age of 17 years.~~

9 Sec. 17. (1) ~~The court may, from time to time after its~~
10 ~~issuance~~ AFTER ENTRY OF A JUDGMENT CONCERNING ANNULMENT,
11 DIVORCE, OR SEPARATE MAINTENANCE AND on the petition of either
12 ~~of the parents~~ PARENT, THE COURT MAY revise and alter a judg-
13 ment concerning the care, custody, maintenance, and support of
14 some or all of the children, as the circumstances of the parents
15 ~~,~~ and the benefit of the children require.

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

24 (a) ~~The support amount determined by application of the~~
25 ~~child support formula.~~

26 (b) ~~How the support order deviates from the child support~~
27 ~~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) Beginning January 1, 1991, each support order entered or~~
10 ~~revised and altered by the court shall provide that each party~~
11 ~~shall keep the office of the friend of the court informed of both~~
12 ~~of the following:~~

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

18 ~~(b) Any health care coverage that is available to him or her~~
19 ~~as a benefit of employment or that is maintained by him or her;~~
20 ~~the name of the insurance company, nonprofit health care corpora-~~
21 ~~tion, or health maintenance organization; the policy, certifi-~~
22 ~~cate, or contract number; and the names and birth dates of the~~
23 ~~persons for whose benefit he or she maintains health care cover-~~
24 ~~age under the policy, certificate, or contract.~~

25 ~~(5) For the purposes of this section, "support" may include~~
26 ~~payment of the expenses of medical, dental, and other health~~
27 ~~care, child care expenses, and educational expenses. If a~~

1 ~~support order is entered, the court shall require that 1 or both~~
 2 ~~parents shall obtain or maintain any health care coverage that is~~
 3 ~~available to them at a reasonable cost, as a benefit of employ-~~
 4 ~~ment, for the benefit of the minor children of the parties and,~~
 5 ~~subject to section 16a, for the benefit of the parties' children~~
 6 ~~who are not minor children. If a parent is self-employed and~~
 7 ~~maintains health care coverage, the court shall require the~~
 8 ~~parent to obtain or maintain dependent coverage for the benefit~~
 9 ~~of the minor children of the parties and, subject to section 16a,~~
 10 ~~for the benefit of the parties' children who are not minor chil-~~
 11 ~~dren, if available at a reasonable cost.~~

12 (2) ~~(6) Orders~~ AN ORDER concerning the support of
 13 ~~children~~ A CHILD of the parties ~~are~~ IS GOVERNED BY AND IS
 14 enforceable as provided in the support and parenting time
 15 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~
 16 ~~sections 552.601 to 552.650 of the Michigan Compiled Laws~~ 1982
 17 PA 295, MCL 552.601 TO 552.650. IF THIS ACT CONTAINS A SPECIFIC
 18 PROVISION REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT
 19 ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND PARENT-
 20 ING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650,
 21 THIS ACT CONTROLS IN REGARD TO THAT PROVISION.

22 Sec. 30. Upon the dissolution of a marriage on account of
 23 the non-age ~~, insanity or idiocy~~ of either party, the issue of
 24 the marriage ~~shall be deemed to be~~ ARE in all respects the
 25 legitimate issue of the parent who, at the time of the marriage,
 26 was capable of contracting.

1 Enacting section 1. Sections 16a, 35, and 36 of 1846 RS 84,
2 MCL 552.16a, 552.35, and 552.36, are repealed.

3 Enacting section 2. This amendatory act takes effect
4 January 1, 2002.

5 Enacting section 3. This amendatory act does not take
6 effect unless Senate Bill No. 317

7 of the 91st Legislature is enacted into
8 law.