



**House  
Legislative  
Analysis  
Section**

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**USE OF CHILD SUPPORT FORMULA**

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**House Bills 5987-5991**

**Sponsor: Rep. Michael E. Nye**

**Committee: Judiciary**

**Mich. State Law Library**

**Complete to 9-17-90**

**A SUMMARY OF HOUSE BILLS 5987-5991 AS INTRODUCED 9-12-90**

Public Acts 274 through 278 of 1989 (enrolled House Bills 5269 through 5270) amended various statutes to provide for a rebuttable presumption for the use of the state child support formula. Language was inserted that generally required the circuit court, when ordering child support, to order the support in the amount determined by the formula. The court could deviate from the formula if the parties agreed to a different amount (providing the party receiving child support was not receiving public assistance), or if the court determined from the facts of the case that application of the child support formula would be unjust or inappropriate. In the latter instance, the court would have to explain various things in writing and on the record, including the court's reasons for its determination.

House Bills 5987 through 5991 propose refinements to those changes. Language allowing the parties to agree to a different amount would be replaced. Instead, the bills would provide that the general requirement to use the formula would not prohibit a court from issuing a child support order that deviated from the child support formula, providing the parties agreed, the court determined application of the formula would be unjust or inappropriate, and the court met the requirements for certain explanations in writing and on the record. Rather than the "reasons for its determination," a court deviating from the formula would state the "reasons why application of the child support formula would be unjust or inappropriate in the case."

The bills and the acts they would amend are as follows:

HB 5987	the emancipation of minors act	MCL 722.3
HB 5988	the divorce act	MCL 552.15 et al.
HB 5989	the Child Custody Act	MCL 722.27
HB 5990	the Family Support Act	MCL 552.452, 552.455
HB 5991	the Paternity Act	MCL 722.717 et al.

(Note: the 1989 amendments included a bill [enrolled House Bill 5271; Public Act 279] that made identical changes to the Uniform Reciprocal Enforcement of Support Act.)

House Bills 5987-5991 (9-17-90)