

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Senate Bills 902, 903, 904, 905, and 906

Sponsor: Senator Rudy J. Nichols (Senate Bills 902 and 904)

Senator Harmon Cropsey (Senate Bills 903, 905, and 906)

Committee: Judiciary

Date Completed: 5-9-90

SUMMARY OF SENATE BILLS 902 through 906 as introduced 4-3-90:

The bills would amend various statutes to allow a court's support order to provide financial support for a child after the child attained the age of 18 years for the time the child regularly attended high school. Support could not be required to continue after the child reached 19 years and six months of age, however. The bills are tie-barred to House Bill 5287, which would amend the Age of Majority Act to allow a court to order support payments for a child 18 years of age or older.

Senate Bills 902 and 903 would amend the Family Support Act and the emancipation of minors Act, respectively, to allow a court to order support for a child who had reached 18 years of age, but was not older than 19 years and six months of age, for the time the child was regularly attending high school. A complaint or motion requesting such support could be filed at any time before the child reached 19 years and six months of age. (The Family Support Act provides for court-ordered support in families in which a married parent and a minor child or children live separate and away from the noncustodial parent. The emancipation of minors Act specifies that "parents are jointly and severally obligated to support a minor unless a court...modifies or terminates the obligation or the minor is emancipated by operation of law".)

A provision for post-majority support in an order or judgment entered before, on, or after the bill's effective date would be valid and enforceable if any of the following applied:

- The provision was stated in the order, by agreement of the parties.
- The provision was contained in the judgment or order as evidenced by the parties' or their attorneys' approval.
- The provision was included by written agreement, signed by the parties.
- The provision was contained in the order or judgment by oral agreement as stated on the record.

A provision for support beyond the age of 18 that was contained in an order or judgment entered under the Act prior to the bill's effective date, and without agreement of the parties, would be considered valid and enforceable to the extent it provided support beyond age 18 up to 19 years and six months while the child regularly attended high school.

S.B. 902 - 906 (5-9-90)

Senate Bills 904 and 905 would amend the Friend of the Court Act and the Support and Visitation Enforcement Act, respectively, to expand the definition of "recipient of support" to include the custodial parent or guardian of a child who was 18 years of age or older.

Senate Bill 906 would amend Public Act 379 of 1913, which provides for the collection of alimony and support and maintenance for minor children, to allow a court to impose penalties for neglect or violation of a support order for children who were 18 years of age or older. (The Act allows such an action for violation or neglect of a support order for minor children, and would retain that provision.)

MCL 552.451 et al. (S.B. 902)
722.3 (S.B. 903)
552.131 (S.B. 904)
552.602 (S.B. 905)
552.151 (S.B. 906)

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Fiscal Analyst: F. Sanchez

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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.