

Act No. 274
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Nye, Stabenow, Emmons, Walberg, Jondahl, Bandstra, Fitzgerald, Strand, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott

ENROLLED HOUSE BILL No. 5266

AN ACT to amend sections 15 and 16 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce," as amended by Act No. 214 of the Public Acts of 1985, being sections 552.15 and 552.16 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 15 and 16 of chapter 84 of the Revised Statutes of 1846, as amended by Act No. 214 of the Public Acts of 1985, being sections 552.15 and 552.16 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter such orders concerning the care, custody, and support of the minor children of the parties during the pendency of the action as the court considers proper and necessary.

(2) The court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau, except that the court may enter an order that deviates from the formula under either of the following circumstances:

(a) If the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (i) The support amount determined by application of the child support formula.
- (ii) How the support order deviates from the child support formula.
- (iii) The value of property or other support awarded in lieu of the payment of child support, if applicable.
- (iv) The court's reasons for its determination.

(b) If the parties agree to a different amount, provided that the party receiving child support is not a recipient of public assistance.

(3) For the purposes of this section, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. If a support order is entered, the court shall require that 1 or both parents shall obtain or maintain any 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. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the minor children of the parties, if available at a reasonable cost.

(4) Orders concerning the support of children of the parties shall be enforceable as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

(5) The court may waive jurisdiction of any minor children under the age of 17 during the pendency of the action to the probate court, to be governed by the laws of this state with respect to dependent and neglected children under the age of 17 years.

Sec. 16. (1) Upon annulling a marriage or entering a judgment of divorce or separate maintenance, the court may enter such orders as it considers just and proper concerning the care, custody, and support of the minor children of the parties. The court may require either parent to file a bond with 1 or more sufficient sureties, in a sum to be fixed by the court, guaranteeing payment of the support ordered in the judgment.

(2) The court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau, except that the court may enter an order that deviates from the formula under either of the following circumstances:

(a) If the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

(i) The support amount determined by application of the child support formula.

(ii) How the support order deviates from the child support formula.

(iii) The value of property or other support awarded in lieu of the payment of child support, if applicable.

(iv) The court's reasons for its determination.

(b) If the parties agree to a different amount, provided that the party receiving child support is not a recipient of public assistance.

(3) For the purposes of this section, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. The judgment shall require that 1 or both parents shall obtain or maintain any 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. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the minor children of the parties, if available at a reasonable cost.

(4) Orders concerning the support of children of the parties shall be enforceable as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

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

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) House Bill No. 5265.

(b) House Bill No. 5267.

(c) House Bill No. 5268.

(d) House Bill No. 5269.

(e) House Bill No. 5270.

(f) House Bill No. 5271.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.