

Act No. 275  
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, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott

# **ENROLLED HOUSE BILL No. 5267**

AN ACT to amend section 7 of Act No. 91 of the Public Acts of 1970, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support and visitation in disputed actions; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," as amended by Act No. 377 of the Public Acts of 1988, being section 722.27 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 7 of Act No. 91 of the Public Acts of 1970, as amended by Act No. 377 of the Public Acts of 1988, being section 722.27 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7. (1) If a child custody dispute has been submitted to the circuit court as an original action under this act or has arisen incidentally from another action in the circuit court or an order or judgment of the circuit court, for the best interests of the child the court may:

(a) Award the custody of the child to 1 or more of the parties involved or to others and provide for payment of support for the child, until the child reaches 18 years of age. The court may require that support payments shall be made through the friend of the court or clerk of the court.

(b) Provide for reasonable visitation of the child by the parties involved, the maternal or paternal grandparents, or by others, by general or specific terms and conditions. Visitation of the child by the parents shall be governed by section 7a.

(c) Modify or amend its previous judgments or orders for proper cause shown or because of change of circumstances until the child reaches 18 years of age. The court shall not modify or amend its previous judgments or orders or issue a new order so as to change the established custodial environment of a child unless there is presented clear and convincing evidence that it is in the best interest of the child. The custodial environment of a child is established if over an appreciable time the child naturally looks to the custodian in that environment for guidance, discipline, the necessities of life, and parental comfort. The age of the child, the physical environment, and the inclination of the custodian and the child as to permanency of the relationship shall also be considered.

(d) Utilize the community resources in behavioral sciences and other professions in the investigation and study of custody disputes and consider their recommendations for the resolution of the disputes.

(e) Appoint a guardian ad litem or counsel for the child and assess the costs and reasonable fees against 1 or more parties involved, totally or partially.

(f) Take any other action considered to be necessary in a particular child custody dispute.

(g) Upon petition consider the reasonable visitation of maternal or paternal grandparents and, if denied, make a record of such denial.

(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 act, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. The court shall require that 1 or both parents of a child who is the subject of a petition under this section 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 child. 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 child, if available at a reasonable cost.

(4) A judgment or order entered under this act providing for the support of a child is 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.

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. 5266.

(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.