

Act No. 276
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, Strand, Fitzgerald, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott

ENROLLED HOUSE BILL No. 5268

AN ACT to amend section 2 of Act No. 138 of the Public Acts of 1966, entitled as amended "An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children and of minor children by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases," as amended by Act No. 212 of the Public Acts of 1985, being section 552.452 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 2 of Act No. 138 of the Public Acts of 1966, as amended by Act No. 212 of the Public Acts of 1985, being section 552.452 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties. The order shall provide that all payments shall be made to the friend of the court. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability shall be upon the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. In unusual circumstances, the court may order support for the child after the child reaches 18 years of age and until he or she reaches 21 years of age, or until the further order of the court.

(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 shall obtain and 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) An order entered under this section 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.

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. 5267.
- (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.