

Act No. 278
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, Bandstra, Strand, Fitzgerald, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott

ENROLLED HOUSE BILL No. 5270

AN ACT to amend section 3 of Act No. 293 of the Public Acts of 1968, entitled "An act to establish the status of minors; to define the rights of parents; and to establish the conditions for emancipation of minors," as amended by Act No. 213 of the Public Acts of 1985, being section 722.3 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 3 of Act No. 293 of the Public Acts of 1968, as amended by Act No. 213 of the Public Acts of 1985, being section 722.3 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 3. (1) The parents are jointly and severally obligated to support a minor unless a court of competent jurisdiction modifies or terminates the obligation or the minor is emancipated by operation of law, except as otherwise ordered by a court of competent jurisdiction.

(2) The duty of support may be enforced by the minor, his or her guardian, any relative within the third degree, an authorized government agency, or if the minor is being supported in whole or in part by public assistance under the social welfare act, Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by the director of the state department of social services or his or her designated representative, or by the director of the county department of social services or his or her designated representative of the county where an action under this act is brought. An action for enforcement shall be brought in the circuit court in the county where the minor resides. If a designated official of either the state or a county department of social services brings an action under this act on behalf of the minor, then the prosecuting attorney or an attorney employed by the county pursuant to section 1 of Act No. 15 of the Public Acts of 1941, as amended, being section 49.71 of the Michigan Compiled Laws, shall represent the official in initiating and conducting the proceedings under this act. The prosecuting attorney shall utilize the child support formula developed under section 19 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.519 of the Michigan Compiled Laws, as a guideline in petitioning for child support.

(3) 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.

(4) 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. A judgment entered under this section providing for support of a minor 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. 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, if available at a reasonable cost.

(5) A judgment entered under this section providing for support 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. 5268.
- (e) House Bill No. 5269.
- (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.