

Act No. 295  
Public Acts of 1990  
Approved by the Governor  
December 13, 1990  
Filed with the Secretary of State  
December 14, 1990

**STATE OF MICHIGAN**  
**85TH LEGISLATURE**  
**REGULAR SESSION OF 1990**

Introduced by Rep. Gubow  
Rep. Kulchitsky named co-sponsor

# **ENROLLED HOUSE BILL No. 6196**

AN ACT to amend section 3 of Act No. 293 of the Public Acts of 1968, entitled as amended "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," as amended by Act No. 238 of the Public Acts of 1990, 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. 238 of the Public Acts of 1990, 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. Subject to section 3a, a court of competent jurisdiction may order support as provided in this section for a child after he or she reaches 18 years of age.

(2) The duty of support may be enforced by the minor or the child who has reached 18 years of age, his or her guardian, any relative within the third degree, an authorized government agency, or if the minor or the child who has reached 18 years of age 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 or the child who has reached 18 years of age 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 or the child who has reached 18 years of age, 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) Except as otherwise provided in this section, 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. The court may enter an order that deviates from the formula 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:

- (a) The support amount determined by application of the child support formula.
  - (b) How the support order deviates from the child support formula.
  - (c) The value of property or other support awarded in lieu of the payment of child support, if applicable.
  - (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.
- (4) Subsection (3) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (3) are met.
- (5) Beginning January 1, 1991, each support order entered or modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:
- (a) The name and address of his or her current source of income. As used in this subdivision, "source of income" means that term as defined in section 2 of the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.602 of the Michigan Compiled Laws.
  - (b) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.
- (6) 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 and, subject to section 3a, for the benefit of the parties' children who are not minor children. 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 and, subject to section 3a, for the benefit of the parties' children who are not minor children, if available at a reasonable cost.
- (7) 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.

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.

