

HOUSE BILL No. 4588

April 10, 1989, Introduced by Reps. Terrell, Clack, DeMars, Hunter, Stallworth, Honigman, Bennane, Harrison, Leland, Joe Young, Sr., Kilpatrick, Power, Sikkema, Martin and Bandstra and referred to the Committee on Judiciary.

A bill to amend sections 3, 4, 4a, and 4d 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,"

section 3 as amended by Act No. 213 of the Public Acts of 1985 and section 4 as amended and sections 4a and 4d as added by Act No. 403 of the Public Acts of 1988, being sections 722.3, 722.4, 722.4a, and 722.4d of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 4, 4a, and 4d of Act No. 293 of the
2 Public Acts of 1968, section 3 as amended by Act No. 213 of the
3 Public Acts of 1985 and section 4 as amended and sections 4a and
4 4d as added by Act No. 403 of the Public Acts of 1988, being
5 sections 722.3, 722.4, 722.4a, and 722.4d of the Michigan
6 Compiled Laws, are amended to read as follows:

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

6 (2) The duty of support may be enforced by the minor, his or
7 her guardian, ~~any~~ A relative within the third degree, an autho-
8 rized government agency, or if the minor is being supported in
9 whole or in part by public assistance under the social welfare
10 act, Act No. 280 of the Public Acts of 1939, as amended, being
11 sections 400.1 to 400.121 of the Michigan Compiled Laws, by the
12 director of the state department of social services or his or her
13 designated representative, or by the director of the county
14 department of social services or his or her designated represen-
15 tative of the county where an action under this act is brought.
16 An action for enforcement shall be brought in the ~~circuit~~
17 DOMESTIC RELATIONS court in the county where the minor resides.
18 If a designated official of either the state or a county depart-
19 ment of social services brings an action under this act on behalf
20 of the minor, then the prosecuting attorney or an attorney
21 employed by the county pursuant to section 1 of Act No. 15 of the
22 Public Acts of 1941, as amended, being section 49.71 of the
23 Michigan Compiled Laws, shall represent the official in initiat-
24 ing and conducting the proceedings under this act. The prosecut-
25 ing attorney shall utilize the child support formula developed
26 under section 19 of the friend of the court act, Act No. 294 of

1 the Public Acts of 1982, being section 552.519 of the Michigan
2 Compiled Laws, as a guideline in petitioning for child support.

3 (3) For the purposes of this section, "support" may include
4 payment of the expenses of medical, dental, and other health
5 care, child care expenses, and educational expenses. A judgment
6 entered under this section providing for support of a minor shall
7 require that 1 or both parents shall obtain or maintain any
8 health care coverage that is available to them at a reasonable
9 cost, as a benefit of employment, for the benefit of the minor.
10 If a parent is self-employed and maintains health care coverage,
11 the court shall require the parent to obtain or maintain depen-
12 dent coverage for the benefit of the minor, if available at a
13 reasonable cost.

14 (4) A judgment entered under this section providing for sup-
15 port shall be enforceable as provided in the support and visita-
16 tion enforcement act, Act No. 295 of the Public Acts of 1982,
17 being sections 552.601 to 552.650 of the Michigan Compiled Laws.

18 Sec. 4. (1) Emancipation may occur by operation of law or
19 pursuant to a petition filed by a minor with the ~~probate~~
20 DOMESTIC RELATIONS court as provided in this act.

21 (2) An emancipation occurs by operation of law:

22 (a) When a minor is validly married.

23 (b) When a person reaches the age of 18 years.

24 (c) During the period when the minor is on active duty with
25 the armed forces of the United States.

26 (d) For the purposes of consenting to routine, nonsurgical
27 medical care or emergency medical treatment to a minor, when the

1 minor is in the custody of a law enforcement agency and the
2 minor's parent or guardian cannot be promptly located. The minor
3 or the minor's parent shall remain responsible for the cost of
4 any medical care or treatment rendered pursuant to this
5 subdivision. An emancipation pursuant to this subdivision shall
6 end upon the termination of medical care or treatment or upon the
7 minor's release from custody, whichever occurs first.

8 (3) An emancipation occurs by court order pursuant to a
9 petition filed by a minor with the ~~probate~~ DOMESTIC RELATIONS
10 court as provided in sections 4a to 4e.

11 Sec. 4a. (1) A minor seeking emancipation shall file a
12 petition for emancipation in the ~~probate~~ DOMESTIC RELATIONS
13 court ~~in~~ FOR the county where the minor resides. The petition
14 shall be signed and verified by the minor, and shall include all
15 of the following information:

16 (a) The minor's full name and birth date, and the county and
17 state where the minor was born.

18 (b) A certified copy of the minor's birth certificate.

19 (c) The name and last known address of the minor's parents,
20 guardian, or custodian.

21 (d) The minor's present address, and length of residency at
22 that address.

23 (e) A declaration by the minor indicating that he or she has
24 demonstrated the ability to manage his or her financial affairs.
25 The minor may include any information he or she considers neces-
26 sary to support the declaration.

1 (f) A declaration by the minor indicating that he or she has
2 the ability to manage his or her personal and social affairs.
3 The minor may include in this section any information he or she
4 considers necessary to support the declaration.

5 (2) The petition shall include an affidavit by any of the
6 following individuals declaring that the individual has personal
7 knowledge of the minor's circumstances and believes that under
8 those circumstances emancipation is in the best interests of the
9 minor:

- 10 (a) Physician.
- 11 (b) Nurse.
- 12 (c) Member of the clergy.
- 13 (d) Psychologist.
- 14 (e) Family therapist.
- 15 (f) Certified social worker.
- 16 (g) Social worker.
- 17 (h) Social work technician.
- 18 (i) School administrator.
- 19 (j) School counselor.
- 20 (k) Teacher.
- 21 (l) Law enforcement officer.
- 22 (m) Duly regulated child care provider.

23 (3) A copy of the petition and a summons to appear at the
24 hearing shall be served on the minor's parents or guardian. A
25 notice of hearing shall be sent to the individual who provided
26 the affidavit required under subsection (2).

1 Sec. 4d. (1) A parent of a minor emancipated by court order
2 or a minor emancipated by court order may petition the ~~probate~~
3 FAMILY RELATIONS court that issued the order to rescind the
4 order.

5 (2) A copy of the petition for rescission and a summons
6 shall be served on the minor or the minor's parents.

7 (3) The court shall grant the petition and rescind the order
8 of emancipation if it determines 1 or more of the following:

9 (a) That the minor is indigent and has no means of support.

10 (b) That the minor and the minor's parents agree that the
11 order should be rescinded.

12 (c) That there is a resumption of family relations inconsis-
13 tent with the existing emancipation order.

14 (4) If a petition for rescission is granted, the court shall
15 issue an order rescinding the emancipation order and retain a
16 copy of the order until the minor becomes 25 years of age.

17 (5) Rescission of an emancipation order does not alter any
18 contractual obligations or rights or any property rights or
19 interests that arose during the period of time that the emancipa-
20 tion order was in effect.

21 (6) The minor or a parent of the minor may file an appeal
22 from the court's grant or denial of a petition for rescission of
23 an emancipation order. The appeal shall be filed in the court of
24 appeals.

25 Section 2. (1) This amendatory act shall take effect
26 January 1, 1990.

1 (2) This amendatory act shall not take effect unless Senate
2 Bill No. _____ or House Bill No. 4567 (request no. 01659'89) of
3 the 85th Legislature is enacted into law.