

HOUSE BILL No. 5268

November 8, 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 and referred to the Committee on Judiciary.

A bill to amend section 2 of Act No. 138 of the Public Acts of 1966, entitled as amended
"The family support act,"
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:

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

5 Sec. 2. (1) Upon the hearing of the complaint, in the
6 manner of a motion, the court may enter an order as it determines
7 proper for the support of the petitioner and the minor child or
8 children of the parties. The order shall provide that all
9 payments shall be made to the friend of the court. If the parent

1 complained of opposes the entry of the order upon the ground that
2 he or she is without sufficient financial ability to provide nec-
3 essary shelter, food, care, clothing, and other support for his
4 or her spouse and child or children, the burden of proving this
5 lack of ability shall be upon the parent against whom the com-
6 plaint is made. The order shall state in separate paragraphs the
7 amount of support for the petitioner until the further order of
8 the court, and the amount of support for each child until each
9 child reaches 18 years of age or until the further order of the
10 court. In unusual circumstances, the court may order support for
11 the child after the child reaches 18 years of age and until he or
12 she reaches 21 years of age, or until the further order of the
13 court.

14 (2) THE COURT SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY
15 APPLICATION OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE
16 FRIEND OF THE COURT BUREAU, EXCEPT THAT THE COURT MAY ENTER AN
17 ORDER THAT DEVIATES FROM THE FORMULA UNDER EITHER OF THE FOLLOW-
18 ING CIRCUMSTANCES:

19 (A) IF THE COURT DETERMINES FROM THE FACTS OF THE CASE THAT
20 APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR INAP-
21 PROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF THE
22 FOLLOWING:

23 (i) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE
24 CHILD SUPPORT FORMULA.

25 (ii) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT
26 FORMULA.

1 (iii) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU
2 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

3 (iv) THE COURT'S REASONS FOR ITS DETERMINATION.

4 (B) IF THE PARTIES AGREE TO A DIFFERENT AMOUNT, PROVIDED
5 THAT THE PARTY RECEIVING CHILD SUPPORT IS NOT A RECIPIENT OF
6 PUBLIC ASSISTANCE.

7 (3) ~~-(2)-~~ For the purposes of this act, "support" may
8 include payment of the expenses of medical, dental, and other
9 health care, child care expenses, and educational expenses. The
10 court shall require that 1 or both parents shall obtain and main-
11 tain any health care coverage that is available to them at a rea-
12 sonable cost, as a benefit of employment, for the benefit of the
13 minor children of the parties. If a parent is self-employed and
14 maintains health care coverage, the court shall require the
15 parent to obtain or maintain dependent coverage for the benefit
16 of the minor children of the parties, if available at a reason-
17 able cost.

18 (4) ~~-(3)-~~ An order entered under this section shall be
19 enforceable as provided in the support and visitation enforcement
20 act, Act No. 295 of the Public Acts of 1982, being
21 sections 552.601 to 552.650 of the Michigan Compiled Laws.

22 Section 2. This amendatory act shall not take effect unless
23 all of the following bills of the 85th Legislature are enacted
24 into law:

25 (a) Senate Bill No. ____ or House Bill No. 5265 (request
26 no. 01603'89 *).

1 (b) Senate Bill No. _____ or House Bill No. 5266 (request
2 no. 01603'89 a *).

3 (c) Senate Bill No. _____ or House Bill No. 5267 (request
4 no. 01603'89 b *).

5 (d) Senate Bill No. _____ or House Bill No. 5269 (request
6 no. 01603'89 d *).

7 (e) Senate Bill No. _____ or House Bill No. 5270 (request
8 no. 01603'89 e *).

9 (f) Senate Bill No. _____ or House Bill No. 5271 (request
10 no. 01603'89 f *).