

HOUSE BILL No. 5987

September 12, 1990, Introduced by Rep. Nye and referred to the Committee on Judiciary.

A bill 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. 278 of the Public Acts of 1989, being section 722.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 293 of the Public Acts of
2 1968, as amended by Act No. 278 of the Public Acts of 1989, being
3 section 722.3 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. (1) The parents are jointly and severally obligated
6 to support a minor unless a court of competent jurisdiction
7 modifies or terminates the obligation or the minor is emancipated

1 by operation of law, except as otherwise ordered by a court of
2 competent jurisdiction.

3 (2) The duty of support may be enforced by the minor, his or
4 her guardian, any relative within the third degree, an authorized
5 government agency, or if the minor is being supported in whole or
6 in part by public assistance under the social welfare act, Act
7 No. 280 of the Public Acts of 1939, as amended, being sections
8 400.1 to 400.121 of the Michigan Compiled Laws, by the director
9 of the state department of social services or his or her desig-
10 nated representative, or by the director of the county department
11 of social services or his or her designated representative of the
12 county where an action under this act is brought. An action for
13 enforcement shall be brought in the circuit court in the county
14 where the minor resides. If a designated official of either the
15 state or a county department of social services brings an action
16 under this act on behalf of the minor, then the prosecuting
17 attorney or an attorney employed by the county pursuant to sec-
18 tion 1 of Act No. 15 of the Public Acts of 1941, as amended,
19 being section 49.71 of the Michigan Compiled Laws, shall repre-
20 sent the official in initiating and conducting the proceedings
21 under this act. The prosecuting attorney shall utilize the child
22 support formula developed under section 19 of the friend of the
23 court act, Act No. 294 of the Public Acts of 1982, being section
24 552.519 of the Michigan Compiled Laws, as a guideline in peti-
25 tioning for child support.

26 (3) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
27 court shall order support in an amount determined by application

1 of the child support formula developed by the state friend of the
2 court bureau. ~~except that the~~ THE court may enter an order
3 that deviates from the formula ~~under either of the following~~
4 ~~circumstances: (a) If~~ IF the court determines from the facts of
5 the case that application of the child support formula would be
6 unjust or inappropriate and sets forth in writing or on the
7 record all of the following:

8 (A) ~~(i)~~ The support amount determined by application of
9 the child support formula.

10 (B) ~~(ii)~~ How the support order deviates from the child
11 support formula.

12 (C) ~~(iii)~~ The value of property or other support awarded
13 in lieu of the payment of child support, if applicable.

14 ~~(iv) The court's reasons for its determination.~~

15 ~~(b) If the parties agree to a different amount, provided~~
16 ~~that the party receiving child support is not a recipient of~~
17 ~~public assistance.~~

18 (D) THE REASONS WHY APPLICATION OF THE CHILD SUPPORT FORMULA
19 WOULD BE UNJUST OR INAPPROPRIATE IN THE CASE.

20 (4) SUBSECTION (3) DOES NOT PROHIBIT THE COURT FROM ENTERING
21 A SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT DEVI-
22 ATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF SUB-
23 SECTION (3) ARE MET.

24 (5) ~~(4)~~ For the purposes of this section, "support" may
25 include payment of the expenses of medical, dental, and other
26 health care, child care expenses, and educational expenses. A
27 judgment entered under this section providing for support of a

1 minor shall require that 1 or both parents shall obtain or
2 maintain any health care coverage that is available to them at a
3 reasonable cost, as a benefit of employment, for the benefit of
4 the minor. If a parent is self-employed and maintains health
5 care coverage, the court shall require the parent to obtain or
6 maintain dependent coverage for the benefit of the minor, if
7 available at a reasonable cost.

8 (6) ~~-(5)-~~ A judgment entered under this section providing
9 for support shall be enforceable as provided in the support and
10 visitation enforcement act, Act No. 295 of the Public Acts of
11 1982, being sections 552.601 to 552.650 of the Michigan Compiled
12 Laws.