

HOUSE BILL No. 5988

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

A bill to amend sections 15, 16, and 17 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce," sections 15 and 16 as amended by Act No. 274 of the Public Acts of 1989, being sections 552.15, 552.16, and 552.17 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 15, 16, and 17 of chapter 84 of the
2 Revised Statutes of 1846, sections 15 and 16 as amended by Act
3 No. 274 of the Public Acts of 1989, being sections 552.15,
4 552.16, and 552.17 of the Michigan Compiled Laws, are amended to
5 read as follows:

6 Sec. 15. (1) After the filing of a complaint in an action
7 to annul a marriage or for a divorce or separate maintenance, on
8 the motion of either party or the friend of the court, or on the

1 court's own motion, the court may enter such orders concerning
2 the care, custody, and support of the minor children of the par-
3 ties during the pendency of the action as the court considers
4 proper and necessary.

5 (2) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
6 court shall order support in an amount determined by application
7 of the child support formula developed by the state friend of the
8 court bureau. ~~, except that the~~ THE court may enter an order
9 that deviates from the formula ~~under either of the following~~
10 ~~circumstances: (a) If~~ IF the court determines from the facts of
11 the case that application of the child support formula would be
12 unjust or inappropriate and sets forth in writing or on the
13 record all of the following:

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

16 (B) ~~(ii)~~ How the support order deviates from the child
17 support formula.

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

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

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

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

26 (3) SUBSECTION (2) DOES NOT PROHIBIT THE COURT FROM ENTERING
27 A SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT

1 DEVIATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF
2 SUBSECTION (2) ARE MET.

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

14 (5) ~~-(4)-~~ Orders concerning the support of children of the
15 parties shall be enforceable as provided in the support and visi-
16 tation 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 (6) ~~-(5)-~~ The court may waive jurisdiction of any minor
19 children under the age of 17 during the pendency of the action to
20 the probate court, to be governed by the laws of this state with
21 respect to dependent and neglected children under the age of 17
22 years.

23 Sec. 16. (1) Upon annulling a marriage or entering a judg-
24 ment of divorce or separate maintenance, the court may enter such
25 orders as it considers just and proper concerning the care, cus-
26 tody, and support of the minor children of the parties. The
27 court may require either parent to file a bond with 1 or more

1 sufficient sureties, in a sum to be fixed by the court,
2 guaranteeing payment of the support ordered in the judgment.

3 (2) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
4 court shall order support in an amount determined by application
5 of the child support formula developed by the state friend of the
6 court bureau. ~~except that the~~ THE court may enter an order
7 that deviates from the formula ~~under either of the following~~
8 ~~circumstances: (a) If~~ IF the court determines from the facts of
9 the case that application of the child support formula would be
10 unjust or inappropriate and sets forth in writing or on the
11 record all of the following:

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

14 (B) ~~(ii)~~ How the support order deviates from the child
15 support formula.

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

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

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

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

24 (3) SUBSECTION (2) DOES NOT PROHIBIT THE COURT FROM ENTERING
25 A SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT DEVI-
26 ATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF
27 SUBSECTION (2) ARE MET.

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

12 (5) ~~-(4)-~~ Orders concerning the support of children of the
13 parties shall be enforceable as provided in the support and visi-
14 tation enforcement act, Act No. 295 of the Public Acts of 1982,
15 being sections 552.601 to 552.650 of the Michigan Compiled Laws.

16 (6) ~~-(5)-~~ The court, in the judgment or after entry of the
17 judgment, may waive jurisdiction of any minor children under the
18 age of 17 years to the probate court to be governed by the laws
19 of this state with respect to dependent and neglected children
20 under the age of 17 years.

21 Sec. 17. (1) The court may, from time to time afterwards,
22 on the petition of either of the parents, revise and alter such
23 decree concerning the care, custody, ~~and~~ maintenance, AND
24 SUPPORT of the children, or any of them, and make a new decree
25 concerning the same, as the circumstances of the parents, and the
26 benefit of the children shall require.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT
2 SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY APPLICATION OF THE
3 CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE COURT
4 BUREAU. THE COURT MAY ENTER AN ORDER THAT DEVIATES FROM THE FOR-
5 MULA IF THE COURT DETERMINES FROM THE FACTS OF THE CASE THAT
6 APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR INAP-
7 PROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF THE
8 FOLLOWING:

9 (A) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE
10 CHILD SUPPORT FORMULA.

11 (B) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT
12 FORMULA.

13 (C) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU
14 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

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

17 (3) SUBSECTION (2) DOES NOT PROHIBIT THE COURT FROM ENTERING
18 A SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT DEVI-
19 ATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF SUB-
20 SECTION (2) ARE MET.

21 (4) FOR THE PURPOSES OF THIS SECTION, "SUPPORT" MAY INCLUDE
22 PAYMENT OF THE EXPENSES OF MEDICAL, DENTAL, AND OTHER HEALTH
23 CARE, CHILD CARE EXPENSES, AND EDUCATIONAL EXPENSES. IF A SUP-
24 PORT ORDER IS ENTERED, THE COURT SHALL REQUIRE THAT 1 OR BOTH
25 PARENTS SHALL OBTAIN OR MAINTAIN ANY HEALTH CARE COVERAGE THAT IS
26 AVAILABLE TO THEM AT A REASONABLE COST, AS A BENEFIT OF
27 EMPLOYMENT, FOR THE BENEFIT OF THE MINOR CHILDREN OF THE

1 PARTIES. IF A PARENT IS SELF-EMPLOYED AND MAINTAINS HEALTH CARE
2 COVERAGE, THE COURT SHALL REQUIRE THE PARENT TO OBTAIN OR MAIN-
3 TAIN DEPENDENT COVERAGE FOR THE BENEFIT OF THE MINOR CHILDREN OF
4 THE PARTIES, IF AVAILABLE AT A REASONABLE COST.

5 (5) ORDERS CONCERNING THE SUPPORT OF CHILDREN OF THE PARTIES
6 SHALL BE ENFORCEABLE AS PROVIDED IN THE SUPPORT AND VISITATION
7 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING
8 SECTIONS 552.601 TO 552.650 OF THE MICHIGAN COMPILED LAWS.