

# HOUSE BILL No. 6193

November 8, 1990, Introduced by Rep. Gubow and referred to the Committee on Judiciary.

A bill to amend sections 2 and 5 of Act No. 138 of the Public Acts of 1966, entitled as amended "The family support act," as amended by Act No. 237 of the Public Acts of 1990, being sections 552.452 and 552.455 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 2 and 5 of Act No. 138 of the Public  
2 Acts of 1966, as amended by Act No. 237 of the Public Acts of  
3 1990, being sections 552.452 and 552.455 of the Michigan Compiled  
4 Laws, are amended to read 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. Subject to section 1c, the court may also order support  
11 for the child after the child reaches 18 years of age, or until  
12 the further order of the court.

13 (2) Except as otherwise provided in this section, the court  
14 shall order support in an amount determined by application of the  
15 child support formula developed by the state friend of the court  
16 bureau. The court may enter an order that deviates from the for-  
17 mula if the court determines from the facts of the case that  
18 application of the child support formula would be unjust or inap-  
19 propriate and sets forth in writing or on the record all of the  
20 following:

21 (a) The support amount determined by application of the  
22 child support formula.

23 (b) How the support order deviates from the child support  
24 formula.

25 (c) The value of property or other support awarded in lieu  
26 of the payment of child support, if applicable.

1 (d) The reasons why application of the child support formula  
2 would be unjust or inappropriate in the case.

3 (3) Subsection (2) does not prohibit the court from entering  
4 a support order that is agreed to by the parties and that devi-  
5 ates from the child support formula, if the requirements of sub-  
6 section (2) are met.

7 (4) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER ENTERED BY  
8 THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE OF  
9 THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

10 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF  
11 INCOME. AS USED IN THIS SUBDIVISION, "SOURCE OF INCOME" MEANS  
12 THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISITATION  
13 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING  
14 SECTION 552.602 OF THE MICHIGAN COMPILED LAWS.

15 (B) ANY HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER  
16 AS A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER;  
17 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR  
18 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR CON-  
19 TRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR  
20 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE  
21 POLICY, CERTIFICATE, OR CONTRACT.

22 (5) ~~(4)~~ For the purposes of this act, "support" may  
23 include payment of the expenses of medical, dental, and other  
24 health care, child care expenses, and educational expenses. The  
25 court shall require that 1 or both parents shall obtain and main-  
26 tain any health care coverage that is available to them at a  
27 reasonable cost, as a benefit of employment, for the benefit of

1 the minor children of the parties and, subject to section 1c, for  
2 the benefit of the parties' children who are not minor children.  
3 If a parent is self-employed and maintains health care coverage,  
4 the court shall require the parent to obtain or maintain depen-  
5 dent coverage for the benefit of the minor children of the par-  
6 ties and, subject to section 1c, for the benefit of the parties'  
7 children who are not minor children, if available at a reasonable  
8 cost.

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

13       Sec. 5. (1) Subject to section 2(2) or (3), an order  
14 entered pursuant to section 2 of this act may be modified by the  
15 court upon proper application to the court and due notice to the  
16 opposite party. If any judgment of divorce or of separate main-  
17 tenance is entered by any court having personal jurisdiction over  
18 the parties, any order entered pursuant to the provisions of this  
19 act shall become null and void upon the effective date of the  
20 judgment.

21       (2) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER MODIFIED  
22 BY THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE  
23 OF THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

24       (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF  
25 INCOME. AS USED IN THIS SUBDIVISION, "SOURCE OF INCOME" MEANS  
26 THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISITATION

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