

HOUSE BILL No. 6196

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

A bill to amend section 3 of Act No. 293 of the Public Acts of 1968, entitled as amended

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

as amended by Act No. 238 of the Public Acts of 1990, 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. 238 of the Public Acts of 1990, 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. Subject to section 3a, a court of compe-
3 tent jurisdiction may order support as provided in this section
4 for a child after he or she reaches 18 years of age.

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

1 court act, Act No. 294 of the Public Acts of 1982, being section
2 552.519 of the Michigan Compiled Laws, as a guideline in peti-
3 tioning for child support.

4 (3) Except as otherwise provided in this section, the court
5 shall order support in an amount determined by application of the
6 child support formula developed by the state friend of the court
7 bureau. The court may enter an order that deviates from the for-
8 mula if the court determines from the facts of the case that
9 application of the child support formula would be unjust or inap-
10 propriate and sets forth in writing or on the record all of the
11 following:

12 (a) The support amount determined by application of the
13 child support formula.

14 (b) How the support order deviates from the child support
15 formula.

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

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) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER ENTERED OR
25 MODIFIED BY THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP
26 THE OFFICE OF THE FRIEND OF THE COURT INFORMED OF BOTH OF THE
27 FOLLOWING:

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

6 (B) ANY HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER
7 AS A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER;
8 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR
9 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR CON-
10 TRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR
11 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE
12 POLICY, CERTIFICATE, OR CONTRACT.

13 (6) ~~(5)~~ For the purposes of this section, "support" may
14 include payment of the expenses of medical, dental, and other
15 health care, child care expenses, and educational expenses. A
16 judgment entered under this section providing for support of a
17 minor shall require that 1 or both parents shall obtain or main-
18 tain any health care coverage that is available to them at a rea-
19 sonable cost, as a benefit of employment, for the benefit of the
20 minor and, subject to section 3a, for the benefit of the parties'
21 children who are not minor children. If a parent is
22 self-employed and maintains health care coverage, the court shall
23 require the parent to obtain or maintain dependent coverage for
24 the benefit of the minor and, subject to section 3a, for the ben-
25 efit of the parties' children who are not minor children, if
26 available at a reasonable cost.

1 (7) ~~-(6)-~~ A judgment entered under this section providing
2 for support shall be enforceable as provided in the support and
3 visitation enforcement act, Act No. 295 of the Public Acts of
4 1982, being sections 552.601 to 552.650 of the Michigan Compiled
5 Laws.