

# HOUSE BILL No. 5266

November 8, 1989, Introduced by Reps. Nye, Stabenow, Emmons, Walberg, Jondahl, Bandstra, Fitzgerald, Strand, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott and referred to the Committee on Judiciary.

A bill to amend sections 15 and 16 of chapter 84 of the Revised Statutes of 1846, entitled  
"Of divorce,"

as amended by Act No. 214 of the Public Acts of 1985, being sections 552.15 and 552.16 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 15 and 16 of chapter 84 of the Revised  
2 Statutes of 1846, as amended by Act No. 214 of the Public Acts of  
3 1985, being sections 552.15 and 552.16 of the Michigan Compiled  
4 Laws, are amended to read as follows:

5       Sec. 15. (1) After the filing of a complaint in an action  
6 to annul a marriage or for a divorce or separate maintenance, on  
7 the motion of either party or the friend of the court, or on the  
8 court's own motion, the court may enter such orders concerning  
9 the care, custody, and support of the minor children of the

1 parties during the pendency of the action as the court considers  
2 proper and necessary.

3       (2) THE COURT SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY  
4 APPLICATION OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE  
5 FRIEND OF THE COURT BUREAU, EXCEPT THAT THE COURT MAY ENTER AN  
6 ORDER THAT DEVIATES FROM THE FORMULA UNDER EITHER OF THE FOLLOW-  
7 ING CIRCUMSTANCES:

8       (A) 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       (i) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE  
13 CHILD SUPPORT FORMULA.

14       (ii) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT  
15 FORMULA.

16       (iii) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU  
17 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       (3) For the purposes of this section, "support" may include  
23 payment of the expenses of medical, dental, and other health  
24 care, child care expenses, and educational expenses. If a sup-  
25 port order is entered, the court shall require that 1 or both  
26 parents shall obtain or maintain any health care coverage that is  
27 available to them at a reasonable cost, as a benefit of

1 employment, for the benefit of the minor children of the  
2 parties. If a parent is self-employed and maintains health care  
3 coverage, the court shall require the parent to obtain or main-  
4 tain dependent coverage for the benefit of the minor children of  
5 the parties, if available at a reasonable cost.

6 (4) ~~-(2)-~~ Orders concerning the support of children of the  
7 parties shall be enforceable as provided in the support and visi-  
8 tation enforcement act, Act No. 295 of the Public Acts of 1982,  
9 being sections 552.601 to 552.650 of the Michigan Compiled Laws.

10 (5) ~~-(3)-~~ The court may waive jurisdiction of any minor  
11 children under the age of 17 during the pendency of the action to  
12 the probate court, to be governed by the laws of this state with  
13 respect to dependent and neglected children under the age of 17  
14 years.

15 Sec. 16. (1) Upon annulling a marriage or entering a judg-  
16 ment of divorce or separate maintenance, the court may enter such  
17 orders as it considers just and proper concerning the care, cus-  
18 tody, and support of the minor children of the parties. The  
19 court may require either parent to file a bond with 1 or more  
20 sufficient sureties, in a sum to be fixed by the court, guaran-  
21 teeing payment of the support ordered in the judgment.

22 (2) THE COURT SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY  
23 APPLICATION OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE  
24 FRIEND OF THE COURT BUREAU, EXCEPT THAT THE COURT MAY ENTER AN  
25 ORDER THAT DEVIATES FROM THE FORMULA UNDER EITHER OF THE FOLLOW-  
26 ING CIRCUMSTANCES:

1 (A) IF THE COURT DETERMINES FROM THE FACTS OF THE CASE THAT  
2 APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR  
3 INAPPROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF  
4 THE FOLLOWING:

5 (i) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE  
6 CHILD SUPPORT FORMULA.

7 (ii) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT  
8 FORMULA.

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

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

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

15 (3) For the purposes of this section, "support" may include  
16 payment of the expenses of medical, dental, and other health  
17 care, child care expenses, and educational expenses. The judg-  
18 ment shall require that 1 or both parents shall obtain or main-  
19 tain any health care coverage that is available to them at a rea-  
20 sonable cost, as a benefit of employment, for the benefit of the  
21 minor children of the parties. If a parent is self-employed and  
22 maintains health care coverage, the court shall require the  
23 parent to obtain or maintain dependent coverage for the benefit  
24 of the minor children of the parties, if available at a reason-  
25 able cost.

26 (4) ~~-(2)-~~ Orders concerning the support of children of the  
27 parties shall be enforceable as provided in the support and

1 visitation enforcement act, Act No. 295 of the Public Acts of  
2 1982, being sections 552.601 to 552.650 of the Michigan Compiled  
3 Laws.

4 (5) ~~(3)~~ The court, in the judgment or after entry of the  
5 judgment, may waive jurisdiction of any minor children under the  
6 age of 17 years to the probate court to be governed by the laws  
7 of this state with respect to dependent and neglected children  
8 under the age of 17 years.

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

12 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5265 (request  
13 no. 01603'89 \*).

14 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5267 (request  
15 no. 01603'89 b \*).

16 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5268 (request  
17 no. 01603'89 c \*).

18 (d) Senate Bill No. \_\_\_\_ or House Bill No. 5269 (request  
19 no. 01603'89 d \*).

20 (e) Senate Bill No. \_\_\_\_ or House Bill No. 5270 (request  
21 no. 01603'89 e \*).

22 (f) Senate Bill No. \_\_\_\_ or House Bill No. 5271 (request  
23 no. 01603'89 f \*).