

# HOUSE BILL No. 5989

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

A bill to amend section 7 of Act No. 91 of the Public Acts of 1970, entitled

"Child custody act of 1970,"

as amended by Act No. 275 of the Public Acts of 1989, being section 722.27 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 7 of Act No. 91 of the Public Acts of  
2 1970, as amended by Act No. 275 of the Public Acts of 1989, being  
3 section 722.27 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 7. (1) If a child custody dispute has been submitted  
6 to the circuit court as an original action under this act or has  
7 arisen incidentally from another action in the circuit court or  
8 an order or judgment of the circuit court, for the best interests  
9 of the child the court may:

1       (a) Award the custody of the child to 1 or more of the  
2 parties involved or to others and provide for payment of support  
3 for the child, until the child reaches 18 years of age. The  
4 court may require that support payments shall be made through the  
5 friend of the court or clerk of the court.

6       (b) Provide for reasonable visitation of the child by the  
7 parties involved, the maternal or paternal grandparents, or by  
8 others, by general or specific terms and conditions. Visitation  
9 of the child by the parents shall be governed by section 7a.

10       (c) Modify or amend its previous judgments or orders for  
11 proper cause shown or because of change of circumstances until  
12 the child reaches 18 years of age. The court shall not modify or  
13 amend its previous judgments or orders or issue a new order so as  
14 to change the established custodial environment of a child unless  
15 there is presented clear and convincing evidence that it is in  
16 the best interest of the child. The custodial environment of a  
17 child is established if over an appreciable time the child natu-  
18 rally looks to the custodian in that environment for guidance,  
19 discipline, the necessities of life, and parental comfort. The  
20 age of the child, the physical environment, and the inclination  
21 of the custodian and the child as to permanency of the relation-  
22 ship shall also be considered.

23       (d) Utilize the community resources in behavioral sciences  
24 and other professions in the investigation and study of custody  
25 disputes and consider their recommendations for the resolution of  
26 the disputes.

1 (e) Appoint a guardian ad litem or counsel for the child and  
2 assess the costs and reasonable fees against 1 or more parties  
3 involved, totally or partially.

4 (f) Take any other action considered to be necessary in a  
5 particular child custody dispute.

6 (g) Upon petition consider the reasonable visitation of  
7 maternal or paternal grandparents and, if denied, make a record  
8 of such denial.

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

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

20 (B) ~~(ii)~~ How the support order deviates from the child  
21 support formula.

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

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

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

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) ~~(3)~~ For the purposes of this act, "support" may  
8 include payment of the expenses of medical, dental, and other  
9 health care, child care expenses, and educational expenses. The  
10 court shall require that 1 or both parents of a child who is the  
11 subject of a petition under this section shall obtain or maintain  
12 any health care coverage that is available to them at a reason-  
13 able cost, as a benefit of employment, for the benefit of the  
14 child. If a parent is self-employed and maintains health care  
15 coverage, the court shall require the parent to obtain or main-  
16 tain dependent coverage for the benefit of the child, if avail-  
17 able at a reasonable cost.

18 (5) ~~(4)~~ A judgment or order entered under this act provid-  
19 ing for the support of a child is enforceable as provided in the  
20 support and visitation enforcement act, Act No. 295 of the Public  
21 Acts of 1982, being sections 552.601 to 552.650 of the Michigan  
22 Compiled Laws.