

SENATE BILL No. 319

March 13, 2001, Introduced by Senators HAMMERSTROM and JOHNSON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1999 PA 156; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (a) Award the custody of the child to 1 or more of the par-
7 ties involved or to others and provide for payment of support for
8 the child, until the child reaches 18 years of age. Subject to
9 section ~~4a~~ 5B OF THE SUPPORT AND PARENTING TIME ENFORCEMENT
10 ACT, 1982 PA 295, MCL 552.605B, the court may also order support

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1 as provided in this section for a child after he or she reaches
2 18 years of age. The court may require that support payments
3 shall be made through the friend of the court, court clerk, or
4 state disbursement unit.

5 (b) Provide for reasonable parenting time of the child by
6 the parties involved, by the maternal or paternal grandparents,
7 or by others, by general or specific terms and conditions.
8 Parenting time of the child by the parents is governed by
9 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 and, subject to section ~~4a~~ 5B
13 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
14 MCL 552.605B, until the child reaches 19 years and 6 months of
15 age. The court shall not modify or amend its previous judgments
16 or orders or issue a new order so as to change the established
17 custodial environment of a child unless there is presented clear
18 and convincing evidence that it is in the best interest of the
19 child. The custodial environment of a child is established if
20 over an appreciable time the child naturally looks to the custo-
21 dian in that environment for guidance, discipline, the necessi-
22 ties of life, and parental comfort. The age of the child, the
23 physical environment, and the inclination of the custodian and
24 the child as to permanency of the relationship shall also be
25 considered.

26 (d) Utilize a guardian ad litem or the community resources
27 in behavioral sciences and other professions in the investigation

1 and study of custody disputes and consider their recommendations
2 for the resolution of the disputes.

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

5 (f) Upon petition consider the reasonable grandparenting
6 time of maternal or paternal grandparents as provided in section
7 7b and, if denied, make a record of the denial.

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

16 (a) ~~The support amount determined by application of the~~
17 ~~child support formula.~~

18 (b) ~~How the support order deviates from the child support~~
19 ~~formula.~~

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

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) Beginning January 1, 1991, each support order entered,~~
2 ~~modified, or amended by the court shall provide that each party~~
3 ~~shall keep the office of the friend of the court informed of both~~
4 ~~of the following:~~

5 ~~(a) The name and address of his or her current source of~~
6 ~~income. As used in this subdivision, "source of income" means~~
7 ~~that term as defined in section 2 of the support and parenting~~
8 ~~time enforcement act, 1982 PA 295, MCL 552.602.~~

9 ~~(b) Any health care coverage that is available to him or her~~
10 ~~as a benefit of employment or that is maintained by him or her;~~
11 ~~the name of the insurance company, health care organization, or~~
12 ~~health maintenance organization; the policy, certificate, or con-~~
13 ~~tract number; and the names and birth dates of the persons for~~
14 ~~whose benefit he or she maintains health care coverage under the~~
15 ~~policy, certificate, or contract.~~

16 ~~(5) For the purposes of this act, "support" may include pay-~~
17 ~~ment of the expenses of medical, dental, and other health care,~~
18 ~~child care expenses, and educational expenses. The court shall~~
19 ~~require 1 or both parents of a child who is the subject of a~~
20 ~~petition under this section to obtain or maintain any health care~~
21 ~~coverage that is available to them at a reasonable cost, as a~~
22 ~~benefit of employment, for the benefit of the child. If a parent~~
23 ~~is self-employed and maintains health care coverage, the court~~
24 ~~shall require the parent to obtain or maintain dependent coverage~~
25 ~~for the benefit of the child, if available at a reasonable cost.~~

26 ~~(2) -(6)-~~ A judgment or order entered under this act
27 providing for the support of a child IS GOVERNED BY AND is

1 enforceable as provided in the support and parenting time
2 enforcement act, 1982 PA 295, MCL 552.601 to 552.650. IF THIS
3 ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
4 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN
5 THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL
6 552.601 TO 552.650, THIS ACT CONTROLS IN REGARD TO THAT
7 PROVISION.

8 Enacting section 1. Section 4a of the child custody act of
9 1970, 1970 PA 91, MCL 722.24a, is repealed.

10 Enacting section 2. This amendatory act takes effect
11 January 1, 2002.

12 Enacting section 3. This amendatory act does not take
13 effect unless Senate Bill No. 317
14 of the 91st Legislature is enacted into
15 law.