



HOUSE BILL No. 4127

February 3, 1993, Introduced by Reps. Yokich, Dobronski, DeMars, Pitoniak, Rivers, Anthony, Profit, Baade and Stallworth and referred to the Committee on Judiciary.

A bill to amend section 2 of Act No. 138 of the Public Acts of 1966, entitled as amended

"The family support act,"

as amended by Act No. 292 of the Public Acts of 1990, being section 552.452 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 138 of the Public Acts of
2 1966, as amended by Act No. 292 of the Public Acts of 1990, being
3 section 552.452 of the Michigan Compiled Laws, is amended to read
4 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~~ IS upon the parent against whom the
6 complaint is made. The order shall state in separate paragraphs
7 the amount of support for the petitioner until the further order
8 of 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~~ HEALTH care coverage that is available to
16 him or her as a benefit of employment or that is maintained by
17 him or her; the name of the insurance company, health care orga-
18 nization, or health maintenance organization; the policy, certifi-
19 cate, or contract number; and the names and birth dates of the
20 persons for whose benefit he or she maintains health care cover-
21 age under the policy, certificate, or contract.

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

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

9 (6) An order entered under this section shall ~~be~~ CONTAIN
10 THE PROVISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED
11 BY, AND IS enforceable as provided in the support and visitation
12 enforcement act, Act No. 295 of the Public Acts of 1982, being
13 sections 552.601 to 552.650 of the Michigan Compiled Laws. IF
14 THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
15 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN
16 THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN
17 REGARD TO THAT PROVISION.

18 Section 2. This amendatory act shall not take effect unless
19 Senate Bill No. _____ or House Bill No. 4130 (request
20 no. 01922'93) of the 87th Legislature is enacted into law.