



# HOUSE BILL No. 4128

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 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. 295 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. 295 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

1 modifies or terminates the obligation or the minor is emancipated  
2 by operation of law, except as otherwise ordered by a court of  
3 competent jurisdiction. Subject to section 3a, a court of compe-  
4 tent jurisdiction may order support as provided in this section  
5 for a child after he or she reaches 18 years of age.

6 (2) The duty of support may be enforced by the minor or the  
7 child who has reached 18 years of age, his or her guardian, any  
8 relative within the third degree, OR an authorized government  
9 agency — or, if the minor or the child who has reached 18 years  
10 of age is being supported in whole or in part by public assist-  
11 ance under the social welfare act, Act No. 280 of the Public Acts  
12 of 1939, as amended, being sections 400.1 to ~~400.12~~ 400.119B  
13 of the Michigan Compiled Laws, by the director of the state  
14 department of social services or his or her designated represen-  
15 tative, or by the director of the county department of social  
16 services or his or her designated representative of the county  
17 where an action under this act is brought. An action for  
18 enforcement shall be brought in the circuit court in the county  
19 where the minor or the child who has reached 18 years of age  
20 resides. If a designated official of either the state or a  
21 county department of social services brings an action under this  
22 act on behalf of the minor or the child who has reached 18 years  
23 of age, then the prosecuting attorney or an attorney employed by  
24 the county pursuant to section 1 of Act No. 15 of the Public Acts  
25 of 1941, as amended, being section 49.71 of the Michigan Compiled  
26 Laws, shall represent the official in initiating and conducting  
27 the proceedings under this act. The prosecuting attorney shall

1 utilize the child support formula developed under section 19 of  
2 the friend of the court act, Act No. 294 of the Public Acts of  
3 1982, being section 552.519 of the Michigan Compiled Laws, as a  
4 guideline in petitioning for child support.

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

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

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

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

19 (d) The reasons why application of the child support formula  
20 would be unjust or inappropriate in the case.

21 (4) Subsection (3) does not prohibit the court from entering  
22 a support order that is agreed to by the parties and that devi-  
23 ates from the child support formula, if the requirements of sub-  
24 section (3) are met.

25 (5) Beginning January 1, 1991, each support order entered or  
26 modified by the court shall provide that each party shall keep

1 the office of the friend of the court informed of both of the  
2 following:

3 (a) The name and address of his or her current source of  
4 income. As used in this subdivision, "source of income" means  
5 that term as defined in section 2 of the support and visitation  
6 enforcement act, Act No. 295 of the Public Acts of 1982, being  
7 section 552.602 of the Michigan Compiled Laws.

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

15 (6) 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. ~~A judgment~~  
18 ~~entered under this section providing for support of a minor shall~~  
19 ~~require that + or both parents shall obtain or maintain any~~  
20 ~~health care coverage that is available to them at a reasonable~~  
21 ~~cost, as a benefit of employment, for the benefit of the minor~~  
22 ~~and, subject to section 3a, for the benefit of the parties' chil-~~  
23 ~~dren who are not minor children. If a parent is self employed~~  
24 ~~and maintains health care coverage, the court shall require the~~  
25 ~~parent to obtain or maintain dependent coverage for the benefit~~  
26 ~~of the minor and, subject to section 3a, for the benefit of the~~

1 ~~parties' children who are not minor children, if available at a~~  
2 ~~reasonable cost.~~

3 (7) A judgment entered under this section providing for sup-  
4 port shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED BY, MAY CONTAIN  
5 THE PROVISIONS AUTHORIZED BY, AND IS enforceable as provided in  
6 the support and visitation enforcement act, Act No. 295 of the  
7 Public Acts of 1982, being sections 552.601 to 552.650 of the  
8 Michigan Compiled Laws. IF THIS ACT CONTAINS A SPECIFIC PROVI-  
9 SION REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT ORDER  
10 THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND VISITATION  
11 ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT PROVISION.

12 Section 2. This amendatory act shall not take effect unless  
13 Senate Bill No. \_\_\_\_\_ or House Bill No. 4130 (request  
14 no. 01922'93) of the 87th Legislature is enacted into law.