

# HOUSE BILL No. 5345

October 29, 2001, Introduced by Reps. Richardville, Raczkowski, Stewart, Julian, Schermesser, Ehardt, Pappageorge, Hager, Shackleton, Newell, Birkholz, Pumford, Cassis, Vander Veen, Jelinek, Sanborn, DeRossett, Stamas, Mortimer, Woronchak, George, DeWeese, Faunce, Kowall, Drolet and Voorhees and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 5b (MCL 552.605b), as added by 2001 PA 106.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5b. (1) A court that orders child support may order  
2 support for a child after the child reaches 18 years of age as  
3 provided in this section OR SHALL ORDER SUPPORT AFTER THE CHILD  
4 REACHES 18 YEARS OF AGE AS PROVIDED IN SUBSECTION (5).

5       (2) The court may order child support for the time a child  
6 is regularly attending high school on a full-time basis with a  
7 reasonable expectation of completing sufficient credits to gradu-  
8 ate from high school while residing on a full-time basis with the  
9 recipient of support or at an institution, but in no case after  
10 the child reaches 19 years and 6 months of age. A complaint or  
11 motion requesting support as provided in this ~~section~~

1 SUBSECTION may be filed at any time before the child reaches 19  
2 years and 6 months of age.

3 (3) A provision contained in a judgment or an order entered  
4 before October 10, 1990 that provides for the support of a child  
5 after the child reaches 18 years of age, without an agreement of  
6 the parties as described in subsection (4), is valid and enforce-  
7 able to the extent the provision provides support for the child  
8 for the time the child is regularly attending high school on a  
9 full-time basis with a reasonable expectation of completing suf-  
10 ficient credits to graduate from high school while residing on a  
11 full-time basis with the recipient of support or at an institu-  
12 tion, but in no case after the child reaches 19 years and  
13 6 months of age. ~~This subsection does not require payment of~~  
14 ~~support for a child after the child reaches 18 years of age for~~  
15 ~~any period between November 8, 1989 and October 10, 1990, or~~  
16 ~~reimbursement of support paid between November 8, 1989 and~~  
17 ~~October 10, 1990, in those judicial circuits that did not enforce~~  
18 ~~support for a child after the child reached 18 years of age~~  
19 ~~during the period between November 8, 1989 and October 10, 1990.~~

20 (4) A provision contained in a judgment or an order entered  
21 under this act ~~before, on, or after the effective date of this~~  
22 ~~section~~ that provides for the support of a child after the child  
23 reaches 18 years of age is valid and enforceable if 1 or more of  
24 the following apply:

25 (a) The provision is contained in the judgment or order by  
26 agreement of the parties as stated in the judgment or order.

1 (b) The provision is contained in the judgment or order by  
2 agreement of the parties as evidenced by the approval of the  
3 substance of the judgment or order by the parties or their  
4 attorneys.

5 (c) The provision is contained in the judgment or order by  
6 written agreement signed by the parties.

7 (d) The provision is contained in the judgment or order by  
8 oral agreement of the parties as stated on the record by the par-  
9 ties or their attorneys.

10 (5) IF, AS A RESULT OF A PAYER'S INCARCERATION IN A CORREC-  
11 TIONAL FACILITY AS THAT TERM IS DEFINED IN SECTION 2 OF THE COR-  
12 RECTIONAL OFFICERS' TRAINING ACT OF 1982, 1982 PA 415, MCL  
13 791.502, OR A SIMILAR FACILITY IN ANOTHER STATE OR COUNTRY, THE  
14 COURT REDUCES OR SUSPENDS CHILD SUPPORT PAYMENTS, THE COURT SHALL  
15 ORDER AN EXTENSION OF THE PAYER'S CHILD SUPPORT OBLIGATION FOR A  
16 TIME PERIOD EQUAL TO THAT OF HIS OR HER INCARCERATION. THE  
17 EXTENSION PERIOD BEGINS ON THE CHILD'S EIGHTEENTH BIRTHDAY OR ON  
18 THE DATE THE PAYER IS RELEASED FROM INCARCERATION, WHICHEVER IS  
19 LATER. THE CHILD SUPPORT AMOUNT DURING THE EXTENSION PERIOD IS  
20 THE LESSER OF THE AMOUNT AT THE TIME OF SUSPENSION OR THE AMOUNT  
21 BY WHICH IT WAS REDUCED.