



**House  
Legislative  
Analysis  
Section**

Manufacturer's Bank Building, 12th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

**CHILD SUPPORT CALCULATIONS**

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MAR 06 1990

House Bills 5265 - 5271

Sponsor: Rep. Michael E. Nye Mich. State Law Library

Committee: Judiciary

Complete to 11-27-89

**A SUMMARY OF HOUSE BILLS 5265 - 5271 AS INTRODUCED 11-8-89**

House Bills 5265 - 5271 constitute a package of bills to encourage the use of the state child support formula in determining child support payments. None of the bills could take effect unless all (or their Senate counterparts) were enacted.

House Bill 5265 would amend the Friend of the Court Act, which requires the friend of the court to make a written report and recommendation on child support, if ordered to do so by the court. Under the bill, the written report would have to be placed in the court file and would have to include the support amount determined by using the child support formula, along with all factual assumptions upon which that support amount was based. If the friend of the court determined from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report would have to also include an alternative support recommendation, the rationale for it, and a description of how the alternative recommendation deviated from the child support formula.

MCL 552.505

House Bill 5266 would amend the divorce act to generally require the circuit court, when ordering child support, to order the support in the amount determined by using the state child support formula. The court could deviate from the formula if the parties agreed to a different amount (providing the party receiving child support was not receiving public assistance), or if the court determined from the facts of the case that application of the child support formula would be unjust or inappropriate. If the court decided that using the formula would be unjust or inappropriate, it would have to explain the following in writing or on the record: the support amount determined by the child support formula, how the support order deviated from the formula, the value of any property or other support awarded instead of the payment of child support, and the court's reasons for its determination.

MCL 552.15 and 552.16

House Bills 5267 through 5271 would amend various acts to insert language identical to that proposed by House Bill 5266. Those acts are as follows.

House Bill 5267: the Child Custody Act (MCL 722.27)

House Bill 5268: the Family Support Act (MCL 552.452)

House Bill 5269: the Paternity Act (MCL 722.717)

House Bill 5270: the emancipation of minors act (MCL 722.3)

House Bill 5271: the Revised Uniform Reciprocal Enforcement of Support Act (MCL 780.164)

House Bills 5265 - 5271 (11-27-89)