

Act No. 245  
Public Acts of 1990  
Approved by the Governor  
October 9, 1990  
Filed with the Secretary of State  
October 10, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Martin, DeMars, Bandstra, Van Regenmorter, Bennane, Stupak, Ciaramitaro,  
Gubow, Jondahl, Honigman and Perry Bullard

# **ENROLLED HOUSE BILL No. 5650**

AN ACT to amend the title and sections 2 and 7 of Act No. 91 of the Public Acts of 1970, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support and visitation in disputed actions; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," section 7 as amended by Act No. 275 of the Public Acts of 1989, being sections 722.22 and 722.27 of the Michigan Compiled Laws; and to add section 4a.

*The People of the State of Michigan enact:*

Section 1. The title and sections 2 and 7 of Act No. 91 of the Public Acts of 1970, section 7 as amended by Act No. 275 of the Public Acts of 1989, being sections 722.22 and 722.27 of the Michigan Compiled Laws, are amended and section 4a is added to read as follows:

## **TITLE**

An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support and visitation in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts.

Sec. 2. As used in this act:

(a) "Child" means minor child and children. Subject to section 4a, for purposes of providing support, child includes a child and children who have reached 18 years of age.

(b) "Agency" means any legally authorized, public or private organization, or governmental unit or official, whether of this state or of another state or country, concerned in the welfare of minor children, including a licensed child placement agency.

(c) "Third person" means any individual other than a parent.

Sec. 4a. (1) The court may order support for a child pursuant to section 7 to provide support after the child reaches 18 years of age as provided in this section.

(2) Beginning on the effective date of this section, the court may order support for the time a child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the payee of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. A complaint or motion requesting support as provided in this section may be filed at any time before the child reaches 19 years and 6 months of age.

(3) A provision contained in a judgment or an order entered under this act before the effective date of this section that provides for the support of a child after the child reaches 18 years of age, without an agreement of the parties as described in subsection (4), is valid and enforceable to the extent the provision provides support for the child for the time the child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the payee of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. This subsection shall not require any payment of support for a child after the child reaches 18 years of age for any period between November 8, 1989 and the effective date of this section or reimbursement of support paid between November 8, 1989 and the effective date of this section in those judicial circuits that did not enforce support for a child after the child reached 18 years of age during the period between November 8, 1989 and the effective date of this section.

(4) Notwithstanding subsection (2), a provision contained in a judgment or an order entered under this act before, on, and after the effective date of this section that provides for the support of a child after the child reaches 18 years of age is valid and enforceable if 1 or more of the following apply:

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

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

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

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

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

(a) Award the custody of the child to 1 or more of the parties involved or to others and provide for payment of support for the child, until the child reaches 18 years of age. Subject to section 4a, the court may also order support as provided in this section for a child after he or she reaches 18 years of age. The court may require that support payments shall be made through the friend of the court or clerk of the court.

(b) Provide for reasonable visitation of the child by the parties involved, the maternal or paternal grandparents, or by others, by general or specific terms and conditions. Visitation of the child by the parents shall be governed by section 7a.

(c) Modify or amend its previous judgments or orders for proper cause shown or because of change of circumstances until the child reaches 18 years of age, and, subject to section 4a, until the child reaches 19 years and 6 months of age. The court shall not modify or amend its previous judgments or orders or issue a new order so as to change the established custodial environment of a child unless there is presented clear and convincing evidence that it is in the best interest of the child. The custodial environment of a child is established if over an appreciable time the child naturally looks to the custodian in that environment for guidance, discipline, the necessities of life, and parental comfort. The age of the child, the physical environment, and the inclination of the custodian and the child as to permanency of the relationship shall also be considered.

(d) Utilize the community resources in behavioral sciences and other professions in the investigation and study of custody disputes and consider their recommendations for the resolution of the disputes.

(e) Appoint a guardian ad litem or counsel for the child and assess the costs and reasonable fees against 1 or more parties involved, totally or partially.

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

(g) Upon petition consider the reasonable visitation of maternal or paternal grandparents and, if denied, make a record of such denial.

(2) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

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

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

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

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

(3) Subsection (2) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met.

(4) For the purposes of this act, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. The court shall require that 1 or both parents of a child who is the subject of a petition under this section shall obtain or maintain any health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of the child. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the child, if available at a reasonable cost.

(5) A judgment or order entered under this act providing for the support of a child is enforceable as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) Senate Bill No. 902.
- (b) Senate Bill No. 903.
- (c) Senate Bill No. 904.
- (d) Senate Bill No. 905.
- (e) Senate Bill No. 906.
- (f) House Bill No. 5287.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.