

Act No. 292  
Public Acts of 1990  
Approved by the Governor  
December 13, 1990  
Filed with the Secretary of State  
December 14, 1990

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

Introduced by Rep. Gubow

# **ENROLLED HOUSE BILL No. 6193**

AN ACT to amend sections 2, 4, and 5 of Act No. 138 of the Public Acts of 1966, entitled as amended "An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases," as amended by Act No. 237 of the Public Acts of 1990, being sections 552.452, 552.454, and 552.455 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 2, 4, and 5 of Act No. 138 of the Public Acts of 1966, as amended by Act No. 237 of the Public Acts of 1990, being sections 552.452, 552.454, and 552.455 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties. The order shall provide that all payments shall be made to the friend of the court. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability shall be upon the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court.

Subject to section 1c, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court.

(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) Beginning January 1, 1991, each support order entered by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

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

(b) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(5) 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 shall obtain and maintain any health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of the minor children of the parties and, subject to section 1c, for the benefit of the parties' children who are not minor children. 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 minor children of the parties and, subject to section 1c, for the benefit of the parties' children who are not minor children, if available at a reasonable cost.

(6) An order entered under this section shall be 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.

Sec. 4. (1) If the department of social services of the county where the custodial parent or guardian of the minor child or children or the child or children who have reached 18 years of age resides determines the custodial parent, the minor child or children, the child or children who have reached 18 years of age, or any of them to be eligible for public assistance, or if a complaint is being filed under section 1b, the prosecuting attorney shall act as the attorney for the petitioner.

(2) The prosecuting attorney shall utilize the child support formula developed under section 19 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.519 of the Michigan Compiled Laws, as a guideline in petitioning for child support. Upon certification by the county department of social services that the custodial parent and minor child or children or child or children who have reached 18 years of age are receiving public assistance, payments received by the friend of the court for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age shall be transmitted to the state department of social services.

Sec. 5. (1) Subject to section 2(2) or (3), an order entered pursuant to section 2 of this act may be modified by the court upon proper application to the court and due notice to the opposite party. If any judgment of divorce or of separate maintenance is entered by any court having personal jurisdiction over the parties, any order entered pursuant to the provisions of this act shall become null and void upon the effective date of the judgment.

(2) Beginning January 1, 1991, each support order modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

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

(b) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance

organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

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.