

# HOUSE BILL No. 6192

November 8, 1990, Introduced by Rep. Gubow and referred to the Committee on Judiciary.

A bill to amend sections 15, 16, and 17 of chapter 84 of the Revised Statutes of 1846, entitled

"Of divorce,"

as amended by Act No. 243 of the Public Acts of 1990, being sections 552.15, 552.16, and 552.17 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 15, 16, and 17 of chapter 84 of the  
2 Revised Statutes of 1846, as amended by Act No. 243 of the Public  
3 Acts of 1990, being sections 552.15, 552.16, and 552.17 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5       Sec. 15. (1) After the filing of a complaint in an action  
6 to annul a marriage or for a divorce or separate maintenance, on  
7 the motion of either party or the friend of the court, or on the  
8 court's own motion, the court may enter such orders concerning  
9 the care, custody, and support of the minor children of the

1 parties during the pendency of the action as the court considers  
2 proper and necessary. Subject to section 16a, the court may also  
3 order support as provided in this subsection for the parties'  
4 children who are not minor children.

5 (2) 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 (3) Subsection (2) 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 (2) are met.

25 (4) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER ENTERED BY  
26 THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE OF  
27 THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

1 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF  
2 INCOME. AS USED IN THIS SUBDIVISION, "SOURCE OF INCOME" MEANS  
3 THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISITATION  
4 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING  
5 SECTION 552.602 OF THE MICHIGAN COMPILED LAWS.

6 (B) ANY HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER  
7 AS A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER;  
8 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR  
9 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR CON-  
10 TRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR  
11 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE  
12 POLICY, CERTIFICATE, OR CONTRACT.

13 (5) ~~(4)~~ For the purposes of this section, "support" may  
14 include payment of the expenses of medical, dental, and other  
15 health care, child care expenses, and educational expenses. If a  
16 support order is entered, the court shall require that 1 or both  
17 parents shall obtain or maintain any health care coverage that is  
18 available to them at a reasonable cost, as a benefit of employ-  
19 ment, for the benefit of the minor children of the parties and,  
20 subject to section 16a, for the benefit of the parties' children  
21 who are not minor children. If a parent is self-employed and  
22 maintains health care coverage, the court shall require the  
23 parent to obtain or maintain dependent coverage for the benefit  
24 of the minor children of the parties and, subject to section 16a,  
25 for the benefit of the parties' children who are not minor chil-  
26 dren, if available at a reasonable cost.

1       (6) ~~(5)~~ Orders concerning the support of children of the  
2 parties shall be enforceable as provided in the support and  
3 visitation enforcement act, Act No. 295 of the Public Acts of  
4 1982, being sections 552.601 to 552.650 of the Michigan Compiled  
5 Laws.

6       (7) ~~(6)~~ The court may waive jurisdiction of any minor  
7 children under the age of 17 during the pendency of the action to  
8 the probate court, to be governed by the laws of this state with  
9 respect to dependent and neglected children under the age of 17  
10 years.

11       Sec. 16. (1) Upon annulling a marriage or entering a judg-  
12 ment of divorce or separate maintenance, the court may enter such  
13 orders as it considers just and proper concerning the care, cus-  
14 tody, and support of the minor children of the parties. Subject  
15 to section 16a, the court may also order support as provided in  
16 this subsection for the parties' children who are not minor  
17 children. The court may require either parent to file a bond  
18 with 1 or more sufficient sureties, in a sum to be fixed by the  
19 court, guaranteeing payment of the support ordered in the  
20 judgment.

21       (2) Except as otherwise provided in this section, the court  
22 shall order support in an amount determined by application of the  
23 child support formula developed by the state friend of the court  
24 bureau. The court may enter an order that deviates from the for-  
25 mula if the court determines from the facts of the case that  
26 application of the child support formula would be unjust or

1 inappropriate and sets forth in writing or on the record all of  
2 the following:

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3       (5) ~~(4)~~ For the purposes of this section, "support" may  
4 include payment of the expenses of medical, dental, and other  
5 health care, child care expenses, and educational expenses. The  
6 judgment shall require that 1 or both parents shall obtain or  
7 maintain any health care coverage that is available to them at a  
8 reasonable cost, as a benefit of employment, for the benefit of  
9 the minor children of the parties and, subject to section 16a,  
10 for the benefit of the parties' children who are not minor  
11 children. If a parent is self-employed and maintains health care  
12 coverage, the court shall require the parent to obtain or main-  
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18 parties shall be enforceable as provided in the support and visi-  
19 tation enforcement act, Act No. 295 of the Public Acts of 1982,  
20 being sections 552.601 to 552.650 of the Michigan Compiled Laws.

21       (7) ~~(6)~~ The court, in the judgment or after entry of the  
22 judgment, may waive jurisdiction of any minor children under the  
23 age of 17 years to the probate court to be governed by the laws  
24 of this state with respect to dependent and neglected children  
25 under the age of 17 years.

26       Sec. 17. (1) The court may, from time to time afterwards,  
27 on the petition of either of the parents, revise and alter such

1 decree concerning the care, custody, maintenance, and support of  
2 the children, or any of them, and make a new decree concerning  
3 the same, as the circumstances of the parents, and the benefit of  
4 the children shall require.

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