

HOUSE BILL No. 6124

September 23, 1992, Introduced by Reps. Yokich, Pitoniak, Porreca, Webb, Dobronski, DeMars, Profit, Leland, Brown, Baade, Palamara, Stallworth and Byrum and referred to the Committee on Insurance.

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. 291 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. 291 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~~ HEALTH care coverage that is available to
7 him or her as a benefit of employment or that is maintained by
8 him or her; the name of the insurance company, health care orga-
9 nization, or health maintenance organization; the policy, certif-
10 icate, or contract number; and the names and birth dates of the
11 persons for whose benefit he or she maintains health care cover-
12 age under the policy, certificate, or contract.

13 (5) For the purposes of this section, "support" may include
14 payment of the expenses of medical, dental, and other health
15 care, child care expenses, and educational expenses. ~~If a sup-~~
16 ~~port 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) ~~Orders~~ AN ORDER concerning the support of ~~children~~ A
2 CHILD of the parties shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED
3 BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable
4 as provided in the support and visitation enforcement act, Act
5 No. 295 of the Public Acts of 1982, being sections 552.601 to
6 552.650 of the Michigan Compiled Laws. IF THIS ACT CONTAINS A
7 SPECIFIC PROVISION REGARDING THE CONTENTS OR ENFORCEMENT OF A
8 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND
9 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT
10 PROVISION.

11 (7) The court may waive jurisdiction of ~~any~~ A minor
12 ~~children~~ CHILD under the age of 17 during the pendency of the
13 action to the probate court, to be governed by the laws of this
14 state with respect to dependent and neglected children under the
15 age of 17 years.

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

26 (2) Except as otherwise provided in this section, the court
27 shall order support in an amount determined by application of the

1 child support formula developed by the state friend of the court
2 bureau. The court may enter an order that deviates from the for-
3 mula if the court determines from the facts of the case that
4 application of the child support formula would be unjust or inap-
5 propriate and sets forth in writing or on the record all of the
6 following:

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

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

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

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

15 (3) Subsection (2) does not prohibit the court from entering
16 a support order that is agreed to by the parties and that devi-
17 ates from the child support formula, if the requirements of sub-
18 section (2) are met.

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

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

1 (b) ~~Any health~~ HEALTH care coverage that is available to
2 him or her as a benefit of employment or that is maintained by
3 him or her; the name of the insurance company, health care orga-
4 nization, or health maintenance organization; the policy, certifi-
5 cate, or contract number; and the names and birth dates of the
6 persons for whose benefit he or she maintains health care cover-
7 age under the policy, certificate, or contract.

8 (5) For the purposes of this section, "support" may include
9 payment of the expenses of medical, dental, and other health
10 care, child care expenses, and educational expenses. ~~The judg-~~
11 ~~ment shall require that 1 or both parents shall obtain or main-~~
12 ~~tain any health care coverage that is available to them at a rea-~~
13 ~~sonable cost, as a benefit of employment, for the benefit of the~~
14 ~~minor children of the parties and, subject to section 16a, for~~
15 ~~the benefit of the parties' children who are not minor children.~~
16 ~~If a parent is self-employed and maintains health care coverage,~~
17 ~~the court shall require the parent to obtain or maintain depen-~~
18 ~~dent coverage for the benefit of the minor children of the par-~~
19 ~~ties and, subject to section 16a, for the benefit of the parties'~~
20 ~~children who are not minor children, if available at a reasonable~~
21 ~~cost.~~

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2 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND
3 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT
4 PROVISION.

5 (7) The court, in the judgment or after entry of the judg-
6 ment, may waive jurisdiction of ~~any~~ A minor ~~children~~ CHILD
7 under the age of 17 years to the probate court to be governed by
8 the laws of this state with respect to dependent and neglected
9 children under the age of 17 years.

10 Sec. 17. (1) ~~The court may, from time to time afterwards,~~
11 AFTER ENTRY OF A JUDGMENT CONCERNING ANNULMENT, DIVORCE, OR SEPA-
12 RATE MAINTENANCE AND on the petition of either of the parents,
13 THE COURT MAY revise and alter ~~such~~ A decree concerning the
14 care, custody, maintenance, and support of the children, or any
15 of them, and make a new decree ~~concerning the same,~~ as the cir-
16 cumstances of the parents ~~—~~ and the benefit of the children
17 ~~shall~~ require.

18 (2) Except as otherwise provided in this section, the court
19 shall order support in an amount determined by application of the
20 child support formula developed by the state friend of the court
21 bureau. The court may enter an order that deviates from the for-
22 mula if the court determines from the facts of the case that
23 application of the child support formula would be unjust or inap-
24 propriate and sets forth in writing or on the record all of the
25 following:

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27 child support formula.

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2 formula.

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8 a support order that is agreed to by the parties and that devi-
9 ates from the child support formula, if the requirements of sub-
10 section (2) are met.

11 (4) Beginning January 1, 1991, each support order entered or
12 revised and altered by the court shall provide that each party
13 shall keep the office of the friend of the court informed of both
14 of the following:

15 (a) The name and address of his or her current source of
16 income. As used in this subdivision, "source of income" means
17 that term as defined in section 2 of the support and visitation
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21 him or her as a benefit of employment or that is maintained by
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24 icate, or contract number; and the names and birth dates of the
25 persons for whose benefit he or she maintains health care cover-
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 8 ~~subject to section 16a, for the benefit of the parties' children~~
 9 ~~who are not minor children. If a parent is self employed and~~
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 22 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND
 23 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT
 24 PROVISION.

25 Section 2. This amendatory act shall not take effect unless
 26 Senate Bill No. _____ or House Bill No. ⁶¹²² _____ (request
 27 no. 06342'92) of the 86th Legislature is enacted into law.