

HOUSE BILL No. 6127

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 section 3 of Act No. 293 of the Public Acts of 1968, entitled as amended

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

as amended by Act No. 295 of the Public Acts of 1990, being section 722.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 293 of the Public Acts of
2 1968, as amended by Act No. 295 of the Public Acts of 1990, being
3 section 722.3 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. (1) The parents are jointly and severally obligated
6 to support a minor unless a court of competent jurisdiction
7 modifies or terminates the obligation or the minor is emancipated

1 by operation of law, except as otherwise ordered by a court of
2 competent jurisdiction. Subject to section 3a, a court of compe-
3 tent jurisdiction may order support as provided in this section
4 for a child after he or she reaches 18 years of age.

5 (2) The duty of support may be enforced by the minor or the
6 child who has reached 18 years of age, his or her guardian, any
7 relative within the third degree, an authorized government
8 agency, or if the minor or the child who has reached 18 years of
9 age is being supported in whole or in part by public assistance
10 under the social welfare act, Act No. 280 of the Public Acts of
11 1939, as amended, being sections 400.1 to ~~400.121~~ 400.119B of
12 the Michigan Compiled Laws, by the director of the state depart-
13 ment of social services or his or her designated representative,
14 or by the director of the county department of social services or
15 his or her designated representative of the county where an
16 action under this act is brought. An action for enforcement
17 shall be brought in the circuit court in the county where the
18 minor or the child who has reached 18 years of age resides. If a
19 designated official of either the state or a county department of
20 social services brings an action under this act on behalf of the
21 minor or the child who has reached 18 years of age, then the
22 prosecuting attorney or an attorney employed by the county pursu-
23 ant to section 1 of Act No. 15 of the Public Acts of 1941, as
24 amended, being section 49.71 of the Michigan Compiled Laws, shall
25 represent the official in initiating and conducting the proceed-
26 ings under this act. The prosecuting attorney shall utilize the
27 child support formula developed under section 19 of the friend of

1 the court act, Act No. 294 of the Public Acts of 1982, being
2 section 552.519 of the Michigan Compiled Laws, as a guideline in
3 petitioning for child support.

4 (3) Except as otherwise provided in this section, the court
5 shall order support in an amount determined by application of the
6 child support formula developed by the state friend of the court
7 bureau. The court may enter an order that deviates from the for-
8 mula if the court determines from the facts of the case that
9 application of the child support formula would be unjust or inap-
10 propriate and sets forth in writing or on the record all of the
11 following:

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

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

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

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

20 (4) Subsection (3) does not prohibit the court from entering
21 a support order that is agreed to by the parties and that devi-
22 ates from the child support formula, if the requirements of sub-
23 section (3) are met.

24 (5) Beginning January 1, 1991, each support order entered or
25 modified by the court shall provide that each party shall keep
26 the office of the friend of the court informed of both of the
27 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 (6) 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. ~~A judgment~~
16 ~~entered under this section providing for support of a minor shall~~
17 ~~require that~~ ~~or both parents shall obtain or maintain any~~
18 ~~health care coverage that is available to them at a reasonable~~
19 ~~cost, as a benefit of employment, for the benefit of the minor~~
20 ~~and, subject to section 3a, for the benefit of the parties' chil-~~
21 ~~dren who are not minor children. If a parent is self-employed~~
22 ~~and maintains health care coverage, the court shall require the~~
23 ~~parent to obtain or maintain dependent coverage for the benefit~~
24 ~~of the minor and, subject to section 3a, for the benefit of the~~
25 ~~parties' children who are not minor children, if available at a~~
26 ~~reasonable cost.~~

1 (7) A judgment entered under this section providing for
2 support shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED BY, MAY
3 CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable as pro-
4 vided in the support and visitation enforcement act, Act No. 295
5 of the Public Acts of 1982, being sections 552.601 to 552.650 of
6 the Michigan Compiled Laws. IF THIS ACT CONTAINS A SPECIFIC PRO-
7 VISION REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT ORDER
8 THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND VISITATION
9 ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT PROVISION.

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