

# HOUSE BILL No. 6148

September 30, 1992, Introduced by Reps. Bankes, Bobier, Bryant, Strand, Middaugh, Hillegonds, Middleton, Jamian, Bodem, McBryde, Dolan, Shugars, Brackenridge, Dalman, Goss, Horton, Martin, Sikkema, Dobb, London, Willis Bullard, Hoekman, DeLange, Gernaat, Gnodtke, Alley, Allen, Bender, Stopczynski, Rocca, Leland, Wozniak, Griffin, Bennett, Gubow, Dobronski, Stallworth, Owen and Joe Young, Sr. and referred to the Committee on Social Services and Youth.

A bill to amend sections 2 and 5 of Act No. 138 of the Public Acts of 1966, entitled as amended

"The family support act,"

as amended by Act No. 292 of the Public Acts of 1990, being sections 552.452 and 552.455 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 5 of Act No. 138 of the Public  
2 Acts of 1966, as amended by Act No. 292 of the Public Acts of  
3 1990, being sections 552.452 and 552.455 of the Michigan Compiled  
4 Laws, are amended to read as follows:

5 Sec. 2. (1) Upon the hearing of the complaint, in the  
6 manner of a motion, the court may enter an order as it determines  
7 proper for the support of the petitioner and the minor child or  
8 children of the parties. The order shall provide that all  
9 payments ~~shall~~ be made to the friend of the court. If the

1 parent complained of opposes the entry of the order upon the  
2 ground that he or she is without sufficient financial ability to  
3 provide necessary shelter, food, care, clothing, and other sup-  
4 port for his or her spouse and child or children, the burden of  
5 proving this lack of ability ~~shall be~~ IS upon the parent  
6 against whom the complaint is made. The order shall state in  
7 separate paragraphs the amount of support for the petitioner  
8 until the further order of the court, and the amount of support  
9 for each child until each child reaches 18 years of age or until  
10 the further order of the court. Subject to section 1c, the court  
11 may also order support for the child after the child reaches  
12 18 years of age, or until the further order of the court.

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

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

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

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

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

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

7 (4) ~~Beginning January 1, 1991, each~~ A support order  
8 entered by the court shall provide ~~that each party shall keep~~  
9 ~~the office of the friend of the court informed of both~~ ALL of  
10 the following:

11 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
12 COURT INFORMED OF THE name and address of his or her current  
13 source of income. As used in this subdivision, "source of  
14 income" means that term as defined in section 2 of the support  
15 and visitation enforcement act, Act No. 295 of the Public Acts of  
16 1982, being section 552.602 of the Michigan Compiled Laws.

17 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
18 COURT INFORMED OF health care coverage that is available to him  
19 or her as a benefit of employment or that is maintained by him or  
20 her; the name of the insurance company, health care organization,  
21 or health maintenance organization; the policy, certificate, or  
22 contract number; and the names and birth dates of the persons for  
23 whose benefit he or she maintains health care coverage under the  
24 policy, certificate, or contract.

25 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE  
26 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE  
27 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE

1 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"  
2 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-  
3 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.

4 (5) For the purposes of this act, "support" may include pay-  
5 ment of the expenses of medical, dental, and other health care,  
6 child care expenses, and educational expenses. The court shall  
7 require that 1 or both parents ~~shall~~ obtain and maintain any  
8 health care coverage that is available to them at a reasonable  
9 cost, as a benefit of employment, for the benefit of the minor  
10 children of the parties and, subject to section 1c, for the bene-  
11 fit of the parties' children who are not minor children. If a  
12 parent is self-employed and maintains health care coverage, the  
13 court shall require the parent to obtain or maintain dependent  
14 coverage for the benefit of the minor children of the parties  
15 and, subject to section 1c, for the benefit of the parties' chil-  
16 dren who are not minor children, if available at a reasonable  
17 cost.

18 (6) An order entered under this section ~~shall be~~ IS  
19 enforceable as provided in the support and visitation enforcement  
20 act, Act No. 295 of the Public Acts of 1982, being  
21 sections 552.601 to 552.650 of the Michigan Compiled Laws.

22 Sec. 5. (1) Subject to section 2(2) or (3), an order  
23 entered pursuant to section 2 of this act may be modified by the  
24 court upon proper application to the court and due notice to the  
25 opposite party. If any judgment of divorce or of separate main-  
26 tenance is entered by any court having personal jurisdiction over  
27 the parties, any order entered pursuant to the provisions of this

1 act ~~shall become~~ IS null and void upon the effective date of  
2 the judgment.

3 (2) ~~Beginning January 1, 1991, each~~ A support order modi-  
4 fied by the court shall provide ~~that each party shall keep the~~  
5 ~~office of the friend of the court informed of both~~ ALL of the  
6 following:

7 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
8 COURT INFORMED OF THE name and address of his or her current  
9 source of income. As used in this subdivision, "source of  
10 income" means that term as defined in section 2 of the support  
11 and visitation enforcement act, Act No. 295 of the Public Acts of  
12 1982, being section 552.602 of the Michigan Compiled Laws.

13 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
14 COURT INFORMED OF health care coverage that is available to him  
15 or her as a benefit of employment or that is maintained by him or  
16 her; the name of the insurance company, health care organization,  
17 or health maintenance organization; the policy, certificate, or  
18 contract number; and the names and birth dates of the persons for  
19 whose benefit he or she maintains health care coverage under the  
20 policy, certificate, or contract.

21 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE  
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23 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE  
24 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"  
25 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-  
26 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.