

HOUSE BILL No. 6164

September 30, 1992, Introduced by Reps. Walberg, O'Connor, Dresch and Nye and referred to the Committee on Social Services and Youth.

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, INCLUDING PROVIDING HEALTH CARE COVERAGE, a minor
7 unless a court of competent jurisdiction modifies or terminates

1 the obligation or the minor is emancipated by operation of law,
2 except as otherwise ordered by a court of competent
3 jurisdiction. Subject to section 3a, a court of competent juris-
4 diction may order support as provided in this section for a child
5 after he or she reaches 18 years of age.

6 (2) The duty of support may be enforced by the minor or the
7 child who has reached 18 years of age, his or her guardian, any
8 relative within the third degree, an authorized government
9 agency, or if the minor or the child who has reached 18 years of
10 age is being supported in whole or in part by public OR MEDICAL
11 assistance under the social welfare act, Act No. 280 of the
12 Public Acts of 1939, as amended, being sections 400.1 to
13 ~~400.121~~ 400.119B of the Michigan Compiled Laws, OR IS RECEIVING
14 SERVICES UNDER PART D OF TITLE IV OF THE SOCIAL SECURITY ACT,
15 CHAPTER 531, 88 STAT. 2351, 42 U.S.C. 651 to 669, by the director
16 of the state department of social services or his or her desig-
17 nated representative, or by the director of the county department
18 of social services or his or her designated representative of the
19 county where an action under this act is brought. An action for
20 enforcement shall be brought in the circuit court in the county
21 where the minor or the child who has reached 18 years of age
22 resides. If a designated official of either the state or a
23 county department of social services brings an action under this
24 act on behalf of the minor or the child who has reached 18 years
25 of age, then the prosecuting attorney or an attorney employed by
26 the county pursuant to section 1 of Act No. 15 of the Public Acts
27 of 1941, as amended, being section 49.71 of the Michigan Compiled

1 Laws, shall represent the official in initiating and conducting
2 the proceedings under this act. The prosecuting attorney shall
3 utilize the child support formula developed under section 19 of
4 the friend of the court act, Act No. 294 of the Public Acts of
5 1982, being section 552.519 of the Michigan Compiled Laws, as a
6 guideline in petitioning for child support.

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

15 (a) The support amount determined by application of the
16 child support formula.

17 (b) How the support order deviates from the child support
18 formula.

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

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

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

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

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

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

17 (6) For the purposes of this section, "support" may include
18 payment of the expenses of medical, dental, and other health
19 care, child care expenses, and educational expenses. A judgment
20 entered under this section providing for support of a minor shall
21 require that 1 or both parents shall obtain or maintain any
22 health care coverage that is available to them at a reasonable
23 cost, as a benefit of employment, for the benefit of the minor
24 and, subject to section 3a, for the benefit of the parties' chil-
25 dren who are not minor children. If a parent is self-employed
26 and maintains health care coverage, the court shall require the
27 parent to obtain or maintain dependent coverage for the benefit

1 of the minor and, subject to section 3a, for the benefit of the
2 parties' children who are not minor children, if available at a
3 reasonable cost.

4 (7) A judgment entered under this section providing for sup-
5 port shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED BY, MAY CONTAIN
6 THE PROVISIONS AUTHORIZED BY, AND IS enforceable as provided in
7 the support and visitation enforcement act, Act No. 295 of the
8 Public Acts of 1982, being sections 552.601 to 552.650 of the
9 Michigan Compiled Laws.