

HOUSE BILL No. 6165

September 30, 1992, Introduced by Rep. Bandstra and referred to the Committee on Social Services and Youth.

A bill to amend sections 1b and 2 of Act No. 138 of the Public Acts of 1966, entitled as amended

"The family support act,"

section 1b as amended by Act No. 237 of the Public Acts of 1990 and section 2 as amended by Act No. 292 of the Public Acts of 1990, being sections 552.451b and 552.452 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1b and 2 of Act No. 138 of the Public
2 Acts of 1966, section 1b as amended by Act No. 237 of the Public
3 Acts of 1990 and section 2 as amended by Act No. 292 of the
4 Public Acts of 1990, being sections 552.451b and 552.452 of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 1b. The director of social services or his or her
7 designated representative or the director of the county

1 department of social services of the county where the custodial
 2 parent or minor child or children or child or children who have
 3 reached 18 years of age reside or the director's designated rep-
 4 resentative may proceed in the same manner and under the same
 5 circumstances as provided in sections 1 and 1a against the non-
 6 custodial parent for the support of the custodial parent and
 7 minor child or children or child or children who have reached 18
 8 years of age if the custodial parent and minor child or children
 9 or child or children who have reached 18 years of age or any of
 10 them are being supported, in whole or in part, by public OR
 11 MEDICAL assistance under the social welfare act, Act No. 280 of
 12 the Public Acts of 1939, as amended, being sections 400.1 to
 13 ~~400.121~~ 400.119B of the Michigan Compiled Laws, OR ARE RECEIV-
 14 ING 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. The burden of
 16 proof shall be the same as provided in section 2.

17 Sec. 2. (1) Upon the hearing of the complaint, in the
 18 manner of a motion, the court may enter an order as it determines
 19 proper for the support of the petitioner and the minor child or
 20 children of the parties. The order shall provide that all pay-
 21 ments shall be made to the friend of the court. If the parent
 22 complained of opposes the entry of the order upon the ground that
 23 he or she is without sufficient financial ability to provide nec-
 24 essary shelter, food, care, clothing, and other support for his
 25 or her spouse and child or children, the burden of proving this
 26 lack of ability ~~shall be~~ IS upon the parent against whom the
 27 complaint is made. The order shall state in separate paragraphs

1 the amount of support for the petitioner until the further order
2 of the court, and the amount of support, INCLUDING HEALTH CARE
3 COVERAGE, for each child until each child reaches 18 years of age
4 or until the further order of the court. Subject to section 1c,
5 the court may also order support for the child after the child
6 reaches 18 years of age, or until the further order of the
7 court.

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

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

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

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

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

24 (3) Subsection (2) does not prohibit the court from entering
25 a support order that is agreed to by the parties and that devi-
26 ates from the child support formula, if the requirements of
27 subsection (2) are met.

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

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

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

16 (5) For the purposes of this act, "support" may include pay-
17 ment of the expenses of medical, dental, and other health care,
18 child care expenses, and educational expenses. The court shall
19 require that 1 or both parents shall obtain and maintain any
20 health care coverage that is available to them at a reasonable
21 cost, as a benefit of employment, for the benefit of the minor
22 children of the parties and, subject to section 1c, for the bene-
23 fit of the parties' children who are not minor children. If a
24 parent is self-employed and maintains health care coverage, the
25 court shall require the parent to obtain or maintain dependent
26 coverage for the benefit of the minor children of the parties
27 and, subject to section 1c, for the benefit of the parties'

1 children who are not minor children, if available at a reasonable
2 cost.

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