

# HOUSE BILL No. 6172

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

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, INCLUDING HEALTH CARE COVERAGE,

1 of the minor children of the parties during the pendency of the  
2 action as the court considers proper and necessary. Subject to  
3 section 16a, the court may also order support as provided in this  
4 subsection for the parties' 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.

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

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

22       (2) Except as otherwise provided in this section, the court  
23 shall order support in an amount determined by application of the  
24 child support formula developed by the state friend of the court  
25 bureau. The court may enter an order that deviates from the for-  
26 mula if the court determines from the facts of the case that  
27 application of the child support formula would be unjust or

1 inappropriate and sets forth in writing or on the record all of  
2 the following:

3       (a) The support amount determined by application of the  
4 child support formula.

5       (b) How the support order deviates from the child support  
6 formula.

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

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

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

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

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

23       (b) ~~Any health~~ HEALTH care coverage that is available to  
24 him or her as a benefit of employment or that is maintained by  
25 him or her; the name of the insurance company, health care orga-  
26 nization, or health maintenance organization; the policy,  
27 certificate, or contract number; and the names and birth dates of

1 the persons for whose benefit he or she maintains health care  
2 coverage under the policy, certificate, or contract.

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

17 (6) ~~Orders~~ AN ORDER concerning the support of ~~children~~ A  
18 CHILD of the parties shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED  
19 BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable  
20 as provided in the support and visitation enforcement act, Act  
21 No. 295 of the Public Acts of 1982, being sections 552.601 to  
22 552.650 of the Michigan Compiled Laws.

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

1       Sec. 17. (1) ~~The court may, from time to time afterwards,~~  
2 AFTER ENTRY OF A JUDGMENT CONCERNING ANNULMENT, DIVORCE, OR SEPA-  
3 RATE MAINTENANCE AND on the petition of either of the parents,  
4 THE COURT MAY revise and alter ~~such~~ A decree concerning the  
5 care, custody, maintenance, and support, INCLUDING HEALTH CARE  
6 COVERAGE, of the children, or any of them, and make a new decree  
7 ~~concerning the same,~~ as the circumstances of the parents ~~—~~  
8 and the benefit of the children ~~shall~~ require.

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

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18 child support formula.

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20 formula.

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

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

25       (3) Subsection (2) does not prohibit the court from entering  
26 a support order that is agreed to by the parties and that

1 deviates from the child support formula, if the requirements of  
2 subsection (2) are met.

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

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8 income. As used in this subdivision, "source of income" means  
9 that term as defined in section 2 of the support and visitation  
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12 (b) ~~Any health~~ HEALTH care coverage that is available to  
13 him or her as a benefit of employment or that is maintained by  
14 him or her; the name of the insurance company, health care orga-  
15 nization, or health maintenance organization; the policy, certif-  
16 icate, or contract number; and the names and birth dates of the  
17 persons for whose benefit he or she maintains health care cover-  
18 age under the policy, certificate, or contract.

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20 payment of the expenses of medical, dental, and other health  
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22 port order is entered, the court shall require that 1 or both  
23 parents shall obtain or maintain any health care coverage that is  
24 available to them at a reasonable cost, as a benefit of employ-  
25 ment, for the benefit of the minor children of the parties and,  
26 subject to section 16a, for the benefit of the parties' children  
27 who are not minor children. If a parent is self-employed and



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