



# HOUSE BILL No. 4129

February 3, 1993, Introduced by Reps. Yokich, Dobronski, DeMars, Pitoniak, Anthony, Profit, Baade and Stallworth and referred to the Committee on Judiciary.

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:

Section 1. Sections 15, 16, and 17 of chapter 84 of the Revised Statutes of 1846, 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, are amended to read as follows:

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter ~~such~~ orders concerning

1 the care, custody, and support of the minor children of the  
2 parties during the pendency of the action as the court considers  
3 proper and necessary. Subject to section 16a, the court may also  
4 order support as provided in this subsection for the parties'  
5 children who are not minor children.

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

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

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

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

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

22       (3) Subsection (2) does not prohibit the court from entering  
23 a support order that is agreed to by the parties and that devi-  
24 ates from the child support formula, if the requirements of sub-  
25 section (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 section, "support" may include  
17 payment of the expenses of medical, dental, and other health  
18 care, child care expenses, and educational expenses. ~~If a sup-~~  
19 ~~port order is entered, the court shall require that 1 or both~~  
20 ~~parents shall obtain or maintain any health care coverage that is~~  
21 ~~available to them at a reasonable cost, as a benefit of employ-~~  
22 ~~ment, for the benefit of the minor children of the parties and,~~  
23 ~~subject to section 16a, for the benefit of the parties' children~~  
24 ~~who are not minor children. If a parent is self-employed and~~  
25 ~~maintains health care coverage, the court shall require the~~  
26 ~~parent to obtain or maintain dependent coverage for the benefit~~  
27 ~~of the minor children of the parties and, subject to section 16a,~~

1 ~~for the benefit of the parties' children who are not minor~~  
2 ~~children, if available at a reasonable cost.~~

3       (6) ~~Orders~~ AN ORDER concerning the support of ~~children~~ A  
4 CHILD of the parties shall ~~be~~ CONTAIN THE PROVISIONS REQUIRED  
5 BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND IS enforceable  
6 as provided in the support and visitation enforcement act, Act  
7 No. 295 of the Public Acts of 1982, being sections 552.601 to  
8 552.650 of the Michigan Compiled Laws. IF THIS ACT CONTAINS A  
9 SPECIFIC PROVISION REGARDING THE CONTENTS OR ENFORCEMENT OF A  
10 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND  
11 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT  
12 PROVISION.

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

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

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

9 (a) The support amount determined by application of the  
10 child support formula.

11 (b) How the support order deviates from the child support  
12 formula.

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

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

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

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

24 (a) The name and address of his or her current source of  
25 income. As used in this subdivision, "source of income" means  
26 that term as defined in section 2 of the support and visitation

1 enforcement act, Act No. 295 of the Public Acts of 1982, being  
2 section 552.602 of the Michigan Compiled Laws.

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

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

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4 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND  
5 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT  
6 PROVISION.

7 (7) ~~The court, in~~ IN the judgment or after entry of the  
8 judgment, THE COURT may waive jurisdiction of ~~any~~ A minor  
9 ~~children~~ CHILD under the age of 17 years to the probate court  
10 to be governed by the laws of this state with respect to depen-  
11 dent and neglected children under the age of 17 years.

12 Sec. 17. (1) ~~The court may, from time to time afterwards,~~  
13 AFTER ENTRY OF A JUDGMENT CONCERNING ANNULMENT, DIVORCE, OR SEPA-  
14 RATE MAINTENANCE AND on the petition of either of the parents,  
15 THE COURT MAY revise and alter ~~such~~ A decree concerning the  
16 care, custody, maintenance, and support of the children, or any  
17 of them, and make a new decree ~~concerning the same,~~ as the cir-  
18 cumstances of the parents ~~—~~ and the benefit of the children  
19 ~~shall~~ require.

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

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6 of the payment of child support, if applicable.

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10 a support order that is agreed to by the parties and that devi-  
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12 section (2) are met.

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14 revised and altered by the court shall provide that each party  
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16 of the following:

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26 icate, or contract number; and the names and birth dates of the



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

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25 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT  
26 PROVISION.

1       Section 2. This amendatory act shall not take effect unless  
2 Senate Bill No. \_\_\_\_\_ or House Bill No. 4130 (request  
3 no. 01922'93) of the 87th Legislature is enacted into law.