



# HOUSE BILL No. 4131

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

A bill to amend section 7 of Act No. 91 of the Public Acts of 1970, entitled as amended "Child custody act of 1970," as amended by Act No. 293 of the Public Acts of 1990, being section 722.27 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 91 of the Public Acts of  
2 1970, as amended by Act No. 293 of the Public Acts of 1990, being  
3 section 722.27 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. (1) If a child custody dispute has been submitted  
6 to the circuit court as an original action under this act or has  
7 arisen incidentally from another action in the circuit court or  
8 an order or judgment of the circuit court, for the best interests  
9 of the child the court may DO ANY OF THE FOLLOWING:

1 (a) Award the custody of the child to 1 or more of the  
2 parties involved or to others and provide for payment of support  
3 for the child, until the child reaches 18 years of age. Subject  
4 to section 4a, the court may also order support as provided in  
5 this section for a child after he or she reaches 18 years of  
6 age. The court may require that support payments shall be made  
7 through the friend of the court or clerk of the court.

8 (b) Provide for reasonable visitation of the child by the  
9 parties involved, the maternal or paternal grandparents, or by  
10 others, by general or specific terms and conditions. Visitation  
11 of the child by the parents ~~shall be~~ IS governed by  
12 section 7a.

13 (c) Modify or amend its previous judgments or orders for  
14 proper cause shown or because of change of circumstances until  
15 the child reaches 18 years of age, and, subject to section 4a,  
16 until the child reaches 19 years and 6 months of age. The court  
17 shall not modify or amend its previous judgments or orders or  
18 issue a new order so as to change the established custodial envi-  
19 ronment of a child unless there is presented clear and convincing  
20 evidence that it is in the best interest of the child. The cus-  
21 todial environment of a child is established if over an apprecia-  
22 ble time the child naturally looks to the custodian in that envi-  
23 ronment for guidance, discipline, the necessities of life, and  
24 parental comfort. The age of the child, the physical environ-  
25 ment, and the inclination of the custodian and the child as to  
26 permanency of the relationship shall also be considered.

1 (d) Utilize the community resources in behavioral sciences  
2 and other professions in the investigation and study of custody  
3 disputes and consider their recommendations for the resolution of  
4 the disputes.

5 (e) Appoint a guardian ad litem or counsel for the child and  
6 assess the costs and reasonable fees against 1 or more parties  
7 involved, totally or partially.

8 (f) Take any other action considered to be necessary in a  
9 particular child custody dispute.

10 (g) Upon petition, consider the reasonable visitation of  
11 maternal or paternal grandparents and, if denied, make a record  
12 of ~~such~~ THE denial.

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 support order entered,  
8 modified, or amended by the court shall provide that each party  
9 shall keep the office of the friend of the court informed of both  
10 of the following:

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

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

23 (5) For the purposes of this act, "support" may include pay-  
24 ment of the expenses of medical, dental, and other health care,  
25 child care expenses, and educational expenses. ~~The court shall~~  
26 ~~require that + or both parents of a child who is the subject of a~~  
27 ~~petition under this section shall obtain or maintain any health~~

~~1 care coverage that is available to them at a reasonable cost, as  
2 a benefit of employment, for the benefit of the child. If a  
3 parent is self employed and maintains health care coverage, the  
4 court shall require the parent to obtain or maintain dependent  
5 coverage for the benefit of the child, if available at a reason-  
6 able cost.~~

7 (6) A judgment or order entered under this act providing for  
8 the support of a child SHALL CONTAIN THE PROVISIONS REQUIRED BY,  
9 MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND is enforceable as  
10 provided in the support and visitation enforcement act, Act  
11 No. 295 of the Public Acts of 1982, being sections 552.601 to  
12 552.650 of the Michigan Compiled Laws. IF THIS ACT CONTAINS A  
13 SPECIFIC PROVISION REGARDING THE CONTENTS OR ENFORCEMENT OF A  
14 SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND  
15 VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN REGARD TO THAT  
16 PROVISION.

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