



HOUSE BILL No. 5045

September 23, 1993, Introduced by Reps. McBryde, Galloway, Goschka, Dalman, Stille, Hammerstrom, Owen, Gernaat, Hill, Rhead, Pitoniak, Fitzgerald, Martin and Brackenridge 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~~ IS sub-
6 mitted to the circuit court as an original action under this act,
7 or ~~has arisen~~ ARISES incidentally from another action in the
8 circuit court or an order or judgment of the circuit court, for
9 the best interests of the child the court may:

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 governed by section 7a.

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

26 (d) Utilize the community resources in behavioral sciences
27 and other professions in the investigation and study of custody

1 disputes and consider their recommendations for the resolution of
2 the disputes.

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

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

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

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

19 (a) The support amount determined by application of the
20 child support formula.

21 (b) How the support order deviates from the child support
22 formula.

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

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

1 (3) Subsection (2) does not prohibit the court from entering
2 a support order that is agreed to by the parties and that
3 deviates from the child support formula, if the requirements of
4 subsection (2) are met.

5 (4) ~~Beginning January 1, 1991, each~~ A support order
6 entered, modified, or amended by the court shall ~~provide that~~
7 ~~each party shall keep the office of the friend of the court~~
8 ~~informed of both~~ REQUIRE ALL of the following:

9 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
10 COURT INFORMED OF THE name and address of his or her current
11 source of income. As used in this subdivision, "source of
12 income" means that term as defined in section 2 of the support
13 and visitation enforcement act, Act No. 295 of the Public Acts of
14 1982, being section 552.602 of the Michigan Compiled Laws.

15 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
16 COURT INFORMED OF health care coverage that is available to him
17 or her as a benefit of employment or that is maintained by him or
18 her; the name of the insurance company, health care organization,
19 or health maintenance organization; the policy, certificate, or
20 contract number; and the names and birth dates of the persons for
21 whose benefit he or she maintains health care coverage under the
22 policy, certificate, or contract.

23 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE
24 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE
25 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE
26 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"
27 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND

1 VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF
2 1982.

3 (5) For the purposes of this act, "support" may include pay-
4 ment of the expenses of medical, dental, and other health care,
5 child care expenses, and educational expenses. The court shall
6 require that 1 or both parents of a child who is the subject of a
7 petition under this section ~~shall~~ obtain or maintain any health
8 care coverage that is available to them at a reasonable cost, as
9 a benefit of employment, for the benefit of the child. If a
10 parent is self-employed and maintains health care coverage, the
11 court shall require the parent to obtain or maintain dependent
12 coverage for the benefit of the child, if available at a reason-
13 able cost.

14 (6) A judgment or order entered under this act providing for
15 the support of a child SHALL CONTAIN THE PROVISIONS REQUIRED BY,
16 MAY CONTAIN THE PROVISIONS AUTHORIZED BY, AND is enforceable as
17 provided in the support and visitation enforcement act, Act
18 No. 295 of the Public Acts of 1982, being sections 552.601 to
19 552.650 of the Michigan Compiled Laws.