



SENATE BILL No. 98

January 13, 1993, Introduced by Senators DI NELLO and WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend the title and sections 2 and 4 of Act No. 138 of the Public Acts of 1966, entitled as amended "The family support act," as amended by Act No. 292 of the Public Acts of 1990, being sections 552.452 and 552.454 of the Michigan Compiled Laws; and to add section 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2 and 4 of Act No. 138 of
2 the Public Acts of 1966, as amended by Act No. 292 of the Public
3 Acts of 1990, being sections 552.452 and 552.454 of the Michigan
4 Compiled Laws, are amended and section 10 is added to read as
5 follows:

1

TITLE

2

An act to confer jurisdiction upon the circuit courts to
order and enforce the payment of money for the support ~~—, in~~ OF
certain ~~cases, of~~ parents having physical custody of minor
children ~~—or~~ AND CERTAIN children; ~~who have reached the age of~~
~~majority and of minor children or children who have reached the~~
~~age of majority by noncustodial parents;~~ to provide for the ter-
mination of the effectiveness of the orders; and to provide for
the payment of fees and assessment of costs in those cases.

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Sec. 2. (1) Upon the hearing of the complaint, in the
manner of a motion, the court may enter an order as it determines
proper for the support of the petitioner, ~~and the~~ minor child,
or ~~children of the parties~~ GRANDCHILD. The order shall provide
that all payments shall be made to the friend of the court. If
the parent OR GRANDPARENT complained of opposes the entry of the
order upon the ground that he or she is without sufficient finan-
cial ability to provide necessary shelter, food, care, clothing,
and other support for his or her spouse and child or ~~children~~
GRANDCHILD, the burden of proving this lack of ability shall be
upon the parent OR GRANDPARENT against whom the complaint is
made. The order shall state in separate paragraphs the amount of
support for the petitioner until the further order of the court,
and the amount of support for each child until each child reaches
18 years of age or until the further order of the court. Subject
to section 1c, the court may also order support for the child
after the child reaches 18 years of age, or until the further
order of the court.

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 care coverage that is available to him or her
4 as a benefit of employment or that is maintained by him or her;
5 the name of the insurance company, health care organization, or
6 health maintenance organization; the policy, certificate, or con-
7 tract number; and the names and birth dates of the persons for
8 whose benefit he or she maintains health care coverage under the
9 policy, certificate, or contract.

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

24 (6) An order entered under this section shall be enforceable
25 as provided in the support and visitation enforcement act, Act
26 No. 295 of the Public Acts of 1982, being sections 552.601 to
27 552.650 of the Michigan Compiled Laws.

1 Sec. 4. (1) If the department of social services of the
 2 county where the custodial parent or guardian of ~~the~~ A minor
 3 child or ~~children~~ GRANDCHILD or ~~the~~ A child ~~or children~~ who
 4 ~~have~~ HAS reached 18 years of age resides determines THAT the
 5 custodial parent, the minor child or ~~children~~ GRANDCHILD, OR
 6 the child ~~or children~~ who ~~have~~ HAS reached 18 years of age ~~—~~
 7 ~~or any of them to be~~ IS eligible for public assistance, or if a
 8 complaint is ~~being~~ filed under section 1b OR BY THE DEPARTMENT
 9 OF SOCIAL SERVICES UNDER SECTION 10, the prosecuting attorney
 10 shall act as the attorney for the petitioner.

11 (2) The prosecuting attorney shall utilize the child support
 12 formula developed under section 19 of the friend of the court
 13 act, Act No. 294 of the Public Acts of 1982, being section
 14 552.519 of the Michigan Compiled Laws, as a guideline in peti-
 15 tioning for child support. Upon certification by the county
 16 department of social services that ~~the~~ A custodial parent,
 17 ~~and~~ minor child or ~~children~~ GRANDCHILD, or child ~~or~~
 18 ~~children~~ who ~~have~~ HAS reached 18 years of age ~~are~~ IS receiv-
 19 ing public assistance, payments received by the friend of the
 20 court for the support of the custodial parent, ~~and~~ minor child
 21 or ~~children~~ GRANDCHILD, or child ~~or children~~ who ~~have~~ HAS
 22 reached 18 years of age shall be transmitted to the state depart-
 23 ment of social services.

24 SEC. 10. (1) IF THE FATHER OF A CHILD IS AN UNEMANCIPATED
 25 MINOR AND IS NOT PROVIDING SUPPORT FOR THE CHILD, THE CUSTODIAL
 26 PARENT OR GUARDIAN OF A CHILD MAY FILE AN ACTION AS PROVIDED IN
 27 SECTION 1 AGAINST A PARENT OF THE CHILD'S FATHER FOR THE SUPPORT

1 OF THE CHILD. IF A CHILD IS BEING SUPPORTED BY PUBLIC ASSISTANCE
2 UNDER THE SOCIAL WELFARE ACT, ACT NO. 280 OF THE PUBLIC ACTS OF
3 1939, BEING SECTIONS 400.1 TO 400.119B OF THE MICHIGAN COMPILED
4 LAWS, AND THE FATHER OF THE CHILD IS AN UNEMANCIPATED MINOR AND
5 IS NOT PROVIDING SUPPORT FOR THE CHILD, THE DEPARTMENT OF SOCIAL
6 SERVICES OR THE COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE
7 COUNTY IN WHICH THE CHILD RESIDES MAY FILE AN ACTION AS PROVIDED
8 IN SECTION 1 AGAINST A PARENT OF THE CHILD'S FATHER FOR THE SUP-
9 PORT OF THE CHILD.

10 (2) FOR AN ACTION BROUGHT UNDER THIS SECTION, THE COURT
11 SHALL NOT ORDER A GRANDPARENT TO SUPPORT HIS OR HER SON'S CHILD
12 AFTER THE SON'S EIGHTEENTH BIRTHDAY OR THE DATE ON WHICH THE SON
13 IS EMANCIPATED.