



HOUSE BILL No. 5463

December 6, 1995, Introduced by Reps. DeHart, Kelly, LaForge, Martinez, Brater and Gire and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 1c of Act No. 138 of the Public Acts of 1966, entitled as amended "The family support act," as added by Act No. 237 of the Public Acts of 1990, being section 552.451c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1c of Act No. 138 of the Public Acts of
2 1966, as added by Act No. 237 of the Public Acts of 1990, being
3 section 552.451c of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 1c. (1) The court may order support for a child pursu-
6 ant to this act to provide support after the child reaches
7 18 years of age as provided in this section.

8 (2) Beginning on the effective date of THE 1995 AMENDATORY
9 ACT THAT AMENDED this section, the court may order support for

1 the time a child is regularly attending high school on a
2 full-time basis with a reasonable expectation of completing suf-
3 ficient credits to graduate from high school while residing on a
4 full-time basis with the payee of support or at an institution,
5 but in no case after the child reaches ~~+9 years and 6 months~~ 21
6 YEARS of age. A complaint or motion requesting support as pro-
7 vided in this section may be filed at any time before the child
8 reaches ~~+9 years and 6 months~~ 21 YEARS of age.

9 (3) BEGINNING ON THE EFFECTIVE DATE OF THE 1995 AMENDATORY
10 ACT THAT AMENDED THIS SECTION, THE COURT MAY ORDER SUPPORT FOR
11 THE TIME A CHILD IS ENROLLED IN AN INSTITUTION OF HIGHER EDUCA-
12 TION OR VOCATIONAL TRAINING IF THE CHILD BECOMES ENROLLED IN THAT
13 INSTITUTION NOT LATER THAN OCTOBER OF THE YEAR IN WHICH THE CHILD
14 GRADUATED FROM HIGH SCHOOL, BUT IN NO CASE AFTER THE CHILD
15 REACHES 22 YEARS OF AGE.

16 (4) ~~-(3)-~~ A provision contained in a judgment or an order
17 entered under this act before the effective date of THE 1995
18 AMENDATORY ACT THAT AMENDED this section that provides for the
19 support of a child WHO IS ATTENDING HIGH SCHOOL after the child
20 reaches 18 years of age AS PROVIDED IN SUBSECTION (2), without an
21 agreement of the parties as described in subsection ~~-(4)-~~ (5), is
22 valid and enforceable to the extent the provision provides sup-
23 port for the child for the time the child is regularly attending
24 high school on a full-time basis with a reasonable expectation of
25 completing sufficient credits to graduate from high school while
26 residing on a full-time basis with the payee of support or at an
27 institution, but in no case after the child reaches ~~+9 years and~~

1 ~~6 months~~ 21 YEARS of age. A PROVISION CONTAINED IN A JUDGMENT
2 OR AN ORDER ENTERED UNDER THIS ACT BEFORE THE EFFECTIVE DATE OF
3 THE 1995 AMENDATORY ACT THAT AMENDED THIS SECTION THAT PROVIDES
4 FOR THE SUPPORT OF A CHILD WHO IS ATTENDING AN INSTITUTION OF
5 HIGHER EDUCATION OR VOCATIONAL TRAINING AFTER THE CHILD REACHES
6 18 YEARS OF AGE AS PROVIDED IN SUBSECTION (3), WITHOUT AN AGREE-
7 MENT OF THE PARTIES AS DESCRIBED IN SUBSECTION (5), IS VALID AND
8 ENFORCEABLE TO THE EXTENT THE PROVISION PROVIDES SUPPORT FOR THE
9 CHILD FOR THE TIME THE CHILD IS REGULARLY ATTENDING AN INSTITU-
10 TION OF HIGHER EDUCATION OR VOCATIONAL TRAINING AS DESCRIBED IN
11 SUBSECTION (3), BUT IN NO CASE AFTER THE CHILD REACHES 22 YEARS
12 OF AGE. This subsection shall not require any payment of support
13 for a child after the child reaches 18 years of age for any
14 period between November 8, 1989 and the effective date of THE
15 1995 AMENDATORY ACT THAT AMENDED this section or reimbursement of
16 support paid between November 8, 1989 and ~~the~~ THAT effective
17 date ~~of this section~~ in those judicial circuits that did not
18 enforce support for a child after the child reached 18 years of
19 age during the period between November 8, 1989 and ~~the~~ THAT
20 effective date. ~~of this section.~~

21 (5) ~~(4)~~ Notwithstanding ~~subsection~~ SUBSECTIONS (2) AND
22 (3), a provision contained in a judgment or an order entered
23 under this act before, on, and after the effective date of THE
24 1995 AMENDATORY ACT THAT AMENDED this section that provides for
25 the support of a child after the child reaches 18 years of age is
26 valid and enforceable if 1 or more of the following apply:

1 (a) The provision is contained in the judgment or order by
2 agreement of the parties as stated in the judgment or order.

3 (b) The provision is contained in the judgment or order by
4 agreement of the parties as evidenced by the approval of the sub-
5 stance of the judgment or order by the parties or their
6 attorneys.

7 (c) The provision is contained in the judgment or order by
8 written agreement signed by the parties.

9 (d) The provision is contained in the judgment or order by
10 oral agreement of the parties as stated on the record by the par-
11 ties or their attorneys.