



# SENATE BILL No. 613

June 15, 1995, Introduced by Senators HOFFMAN, GEAKE, DINGELL, GOUGEON, SHUGARS, DUNASKISS, STILLE, SCHUETTE, MC MANUS, BYRUM, PETERS and EMMONS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 15, 16, and 17 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce," sections 15, 16, and 17 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:

1 Section 1. Sections 15, 16, and 17 of chapter 84 of the  
2 Revised Statutes of 1846, sections 15, 16, and 17 as amended by  
3 Act No. 291 of the Public Acts of 1990, being sections 552.15,  
4 552.16, and 552.17 of the Michigan Compiled Laws, are amended to  
5 read as follows:

6 Sec. 15. (1) After the filing of a complaint in an action  
7 to annul a marriage or for a divorce or separate maintenance, on  
8 the motion of either party or the friend of the court, or on the

1 court's own motion, the court may enter such orders concerning  
2 the care, custody, and support of the minor children of the par-  
3 ties during the pendency of the action as the court considers  
4 proper and necessary. Subject to section 16a, the court may also  
5 order support as provided in this subsection for the parties'  
6 children who are not minor children.

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

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

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

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

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

23 (3) Subsection (2) does not prohibit the court from entering  
24 a support order that is agreed to by the parties and that devi-  
25 ates from the child support formula, if the requirements of sub-  
26 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 PARENTING TIME enforcement act, Act No. 295 of the Public Acts of  
8 1982, being section 552.602 of the Michigan Compiled Laws.

9 (b) Any health care coverage that is available to him or her  
10 as a benefit of employment or that is maintained by him or her;  
11 the name of the insurance company, NONPROFIT health care  
12 ~~organization~~ CORPORATION, or health maintenance organization;  
13 the policy, certificate, or contract number; and the names and  
14 birth dates of the persons for whose benefit he or she maintains  
15 health care coverage 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 concerning the support of children of the parties  
4 ~~shall be~~ ARE enforceable as provided in the support and  
5 ~~visitation~~ PARENTING TIME enforcement act, Act No. 295 of the  
6 Public Acts of 1982, being sections 552.601 to 552.650 of the  
7 Michigan Compiled Laws.

8 (7) The court may waive jurisdiction of any minor children  
9 under the age of 17 during the pendency of the action to the pro-  
10 bate court, to be governed by the laws of this state with respect  
11 to dependent and neglected children under the age of 17 years.

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

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

1 inappropriate and sets forth in writing or on the record all of  
2 the following:

3 (a) The support amount determined by application of the  
4 child support formula.

5 (b) How the support order deviates from the child support  
6 formula.

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

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

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

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

18 (a) The name and address of his or her current source of  
19 income. As used in this subdivision, "source of income" means  
20 that term as defined in section 2 of the support and ~~visitation~~  
21 PARENTING TIME enforcement act, Act No. 295 of the Public Acts of  
22 1982, being section 552.602 of the Michigan Compiled Laws.

23 (b) Any health care coverage that is available to him or her  
24 as a benefit of employment or that is maintained by him or her;  
25 the name of the insurance company, NONPROFIT health care  
26 ~~organization~~ CORPORATION, or health maintenance organization;  
27 the policy, certificate, or contract number; and the names and

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

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

17 (6) Orders concerning the support of children of the parties  
18 ~~shall be~~ ARE enforceable as provided in the support and  
19 ~~visitation~~ PARENTING TIME enforcement act, Act No. 295 of the  
20 Public Acts of 1982, being sections 552.601 to 552.650 of the  
21 Michigan Compiled Laws.

22 (7) The court, in the judgment or after entry of the judg-  
23 ment, may waive jurisdiction of any minor children under the age  
24 of 17 years to the probate court to be governed by the laws of  
25 this state with respect to dependent and neglected children under  
26 the age of 17 years.

1       Sec. 17. (1) The court may, from time to time ~~afterwards~~  
2 AFTER ITS ISSUANCE, on the petition of either of the parents,  
3 revise and alter ~~such decree~~ A JUDGMENT concerning the care,  
4 custody, maintenance, and support of SOME OR ALL OF the children,  
5 ~~or any of them, and make a new decree concerning the same,~~ as  
6 the circumstances of the parents, and the benefit of the children  
7 ~~shall~~ require.

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

16       (a) The support amount determined by application of the  
17 child support formula.

18       (b) How the support order deviates from the child support  
19 formula.

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

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

24       (3) Subsection (2) does not prohibit the court from entering  
25 a support order that is agreed to by the parties and that devi-  
26 ates from the child support formula, if the requirements of  
27 subsection (2) are met.

1 (4) Beginning January 1, 1991, each support order entered or  
2 revised and altered by the court shall provide that each party  
3 shall keep the office of the friend of the court informed of both  
4 of the following:

5 (a) The name and address of his or her current source of  
6 income. As used in this subdivision, "source of income" means  
7 that term as defined in section 2 of the support and ~~visitation~~  
8 PARENTING TIME enforcement act, Act No. 295 of the Public Acts of  
9 1982, being section 552.602 of the Michigan Compiled Laws.

10 (b) Any health care coverage that is available to him or her  
11 as a benefit of employment or that is maintained by him or her;  
12 the name of the insurance company, NONPROFIT health care  
13 ~~organization~~ CORPORATION, or health maintenance organization;  
14 the policy, certificate, or contract number; and the names and  
15 birth dates of the persons for whose benefit he or she maintains  
16 health care coverage under the policy, certificate, or contract.

17 (5) For the purposes of this section, "support" may include  
18 payment of the expenses of medical, dental, and other health  
19 care, child care expenses, and educational expenses. If a sup-  
20 port order is entered, the court shall require that 1 or both  
21 parents shall obtain or maintain any health care coverage that is  
22 available to them at a reasonable cost, as a benefit of employ-  
23 ment, for the benefit of the minor children of the parties and,  
24 subject to section 16a, for the benefit of the parties' children  
25 who are not minor children. If a parent is self-employed and  
26 maintains health care coverage, the court shall require the  
27 parent to obtain or maintain dependent coverage for the benefit

1 of the minor children of the parties and, subject to section 16a,  
2 for the benefit of the parties' children who are not minor chil-  
3 dren, if available at a reasonable cost.

4 (6) Orders concerning the support of children of the parties  
5 ~~shall be~~ ARE enforceable as provided in the support and  
6 ~~visitation~~ PARENTING TIME enforcement act, Act No. 295 of the  
7 Public Acts of 1982, being sections 552.601 to 552.650 of the  
8 Michigan Compiled Laws.

9 Section 2. This amendatory act shall not take effect unless  
10 Senate Bill No. 624  
11 of the 88th Legislature is enacted into law.