



# SENATE BILL No. 621

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

A bill to amend section 3 of Act No. 293 of the Public Acts of 1968, entitled as amended

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

as amended by Act No. 295 of the Public Acts of 1990, being section 722.3 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 293 of the Public Acts of  
2 1968, as amended by Act No. 295 of the Public Acts of 1990, being  
3 section 722.3 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 3. (1) The parents are jointly and severally obligated  
6 to support a minor unless a court of competent jurisdiction  
7 modifies or terminates the obligation or the minor is emancipated

1 by operation of law, except as otherwise ordered by a court of  
2 competent jurisdiction. Subject to section 3a, a court of compe-  
3 tent jurisdiction may order support as provided in this section  
4 for a child after he or she reaches 18 years of age.

5 (2) The duty of support may be enforced by the minor or the  
6 child who has reached 18 years of age, his or her guardian, any  
7 relative within the third degree, an authorized government  
8 agency, or if the minor or the child who has reached 18 years of  
9 age is being supported in whole or in part by public assistance  
10 under the social welfare act, Act No. 280 of the Public Acts of  
11 1939, ~~as amended,~~ being sections 400.1 to ~~400.121~~ 400.119B of  
12 the Michigan Compiled Laws, by the director of the state depart-  
13 ment of social services or his or her designated representative,  
14 or by the director of the county department of social services or  
15 his or her designated representative of the county where an  
16 action under this act is brought. An action for enforcement  
17 shall be brought in the circuit court in the county where the  
18 minor or the child who has reached 18 years of age resides. If a  
19 designated official of either the state or a county department of  
20 social services brings an action under this act on behalf of the  
21 minor or the child who has reached 18 years of age, then the  
22 prosecuting attorney or an attorney employed by the county  
23 ~~pursuant to~~ UNDER section 1 of Act No. 15 of the Public Acts of  
24 1941, ~~as amended,~~ being section 49.71 of the Michigan Compiled  
25 Laws, shall represent the official in initiating and conducting  
26 the proceedings under this act. The prosecuting attorney shall  
27 utilize the child support formula developed under section 19 of

1 the friend of the court act, Act No. 294 of the Public Acts of  
2 1982, being section 552.519 of the Michigan Compiled Laws, as a  
3 guideline in petitioning for child support.

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

12 (a) The support amount determined by application of the  
13 child support formula.

14 (b) How the support order deviates from the child support  
15 formula.

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

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

20 (4) Subsection (3) does not prohibit the court from entering  
21 a support order that is agreed to by the parties and that devi-  
22 ates from the child support formula, if the requirements of sub-  
23 section (3) are met.

24 (5) Beginning January 1, 1991, each support order entered or  
25 modified by the court shall provide that each party shall keep  
26 the office of the friend of the court informed of both of the  
27 following:

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

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

15 (6) For the purposes of this section, "support" may include  
16 payment of the expenses of medical, dental, and other health  
17 care, child care expenses, and educational expenses. A judgment  
18 entered under this section providing for support of a minor shall  
19 require that 1 or both parents shall obtain or maintain any  
20 health care coverage that is available to them at a reasonable  
21 cost, as a benefit of employment, for the benefit of the minor  
22 and, subject to section 3a, for the benefit of the parties' chil-  
23 dren who are not minor children. If a parent is self-employed  
24 and maintains health care coverage, the court shall require the  
25 parent to obtain or maintain dependent coverage for the benefit  
26 of the minor and, subject to section 3a, for the benefit of the

1 parties' children who are not minor children, if available at a  
2 reasonable cost.

3 (7) A judgment entered under this section providing for sup-  
4 port shall be 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 Section 2. This amendatory act shall not take effect unless  
9 Senate Bill No. 624  
10 of the 88th Legislature is enacted into law.