

**SENATE BILL NO. 961**

March 3, 1998, Introduced by Senators GEAKE, GAST, ROGERS, CISKY, DINGELL, PETERS, V. SMITH and JAYE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1846 RS 84, entitled  
"Of divorce,"  
by amending section 15 (MCL 552.15), as amended by 1996 PA 9.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 15. (1) After the filing of a complaint in an action  
2 to annul a marriage or for a divorce or separate maintenance, on  
3 the motion of either party or the friend of the court, or on the  
4 court's own motion, the court may enter ~~such orders~~ AN ORDER  
5 concerning the care, custody, and support of the minor children  
6 of the parties during the pendency of the action as the court  
7 considers proper and necessary. HOWEVER, THE COURT SHALL NOT  
8 ISSUE AN EX PARTE ORDER GRANTING CUSTODY OF A CHILD OR AWARDING  
9 POSSESSION OF THE MARITAL DWELLING. Subject to section 16a, the  
10 court may also order support as provided in this subsection for  
11 the parties' children who are not minor children.

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 parenting  
27 time enforcement act, ~~Act No. 295 of the Public Acts of 1982,~~

1 ~~being section 552.602 of the Michigan Compiled Laws 1982 PA 295,~~  
2 MCL 552.602.

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, nonprofit health care corpora-  
6 tion, or health maintenance organization; the policy, certifi-  
7 cate, or contract number; and the names and birth dates of the  
8 persons for whose benefit he or she maintains health care cover-  
9 age under the policy, certificate, or contract.

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

24 (6) Orders concerning the support of children of the parties  
25 are enforceable as provided in the support and parenting time  
26 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~

1 ~~sections 552.601 to 552.650 of the Michigan Compiled Laws~~ 1982  
2 PA 295, MCL 552.601 TO 552.650.

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