

SENATE BILL No. 321

March 13, 2001, Introduced by Senators JOHNSON and HAMMERSTROM and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1968 PA 293, entitled

"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,"

by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The parents are jointly and severally obligated
2 to support a minor AS PRESCRIBED IN SECTION 5 OF THE SUPPORT AND
3 PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.605, unless
4 a court of competent jurisdiction modifies or terminates the
5 obligation or the minor is emancipated by operation of law,
6 except as otherwise ordered by a court of competent
7 jurisdiction. Subject to section ~~3a~~ 5B OF THE SUPPORT AND
8 PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B, a

1 court of competent jurisdiction may order support as provided in
2 this section for a child after he or she reaches 18 years of
3 age.

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

1 support formula developed under section 19 of the friend of the
2 court act, ~~Act No. 294 of the Public Acts of 1982, being section~~
3 ~~552.519 of the Michigan Compiled Laws 1982 PA 294, MCL 552.519,~~
4 as a guideline in petitioning for child support.

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

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

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

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

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

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

25 ~~(5) Beginning January 1, 1991, each support order entered or~~
26 ~~modified by the court shall provide that each party shall keep~~

1 the office of the friend of the court informed of both of the
2 following:

3 ~~(a) The name and address of the party's current source of~~
4 ~~income. As used in this subdivision, "source of income" means~~
5 ~~that term as defined in section 2 of the support and parenting~~
6 ~~time enforcement act, Act No. 295 of the Public Acts of 1982,~~
7 ~~being section 552.602 of the Michigan Compiled Laws.~~

8 ~~(b) Any health care coverage that is available as a benefit~~
9 ~~of employment or that is maintained by the party; the name of the~~
10 ~~insurance company, nonprofit health care corporation, or health~~
11 ~~maintenance organization; the policy, certificate, or contract~~
12 ~~number; and the names and birth dates of the persons for whose~~
13 ~~benefit the party maintains health care coverage under the~~
14 ~~policy, 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 (3) A judgment entered under this section providing for sup-
4 port ~~shall be~~ IS GOVERNED BY AND IS enforceable as provided in
5 the support and parenting time enforcement act, ~~Act No. 295 of~~
6 ~~the Public Acts of 1982, being sections 552.601 to 552.650 of the~~
7 ~~Michigan Compiled Laws~~ 1982 PA 295, MCL 552.601 TO 552.650. IF
8 THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
9 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN
10 THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL
11 552.601 TO 552.650, THIS ACT CONTROLS IN REGARD TO THAT
12 PROVISION.

13 Enacting section 1. Section 3a of 1968 PA 293, MCL 722.3a,
14 is repealed.

15 Enacting section 2. This amendatory act takes effect
16 January 1, 2002.

17 Enacting section 3. This amendatory act does not take
18 effect unless Senate Bill No. 317
19 of the 91st Legislature is enacted into
20 law.