

# SENATE BILL No. 322

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 1966 PA 138, entitled "The family support act," by amending section 2 (MCL 552.452), as amended by 1999 PA 158; and to repeal acts and parts of acts.

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

1       Sec. 2. (1) Upon the hearing of the complaint, in the  
2 manner of a motion, the court may enter an order as it determines  
3 proper for the support of the petitioner and the minor child or  
4 children of the parties AS PRESCRIBED IN SECTION 5 OF THE SUPPORT  
5 AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.605.  
6 The order shall provide that payment shall be made to the friend  
7 of the court or the state disbursement unit. If the parent com-  
8 plained of opposes the entry of the order upon the ground that he  
9 or she is without sufficient financial ability to provide  
10 necessary shelter, food, care, clothing, and other support for

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1 his or her spouse and child or children, the burden of proving  
2 this lack of ability is on the parent against whom the complaint  
3 is made. The order shall state in separate paragraphs the amount  
4 of support for the petitioner until the further order of the  
5 court, and the amount of support for each child until each child  
6 reaches 18 years of age or until the further order of the court.  
7 Subject to section ~~1c~~ 5B OF THE SUPPORT AND PARENTING TIME  
8 ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B, the court may also  
9 order support for the child after the child reaches 18 years of  
10 age, or until the further order of the court.

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

19 ~~(a) The support amount determined by application of the~~  
20 ~~child support formula.~~

21 ~~(b) How the support order deviates from the child support~~  
22 ~~formula.~~

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

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

1       ~~(3) Subsection (2) does not prohibit the court from entering~~  
2 ~~a support order that is agreed to by the parties and that~~  
3 ~~deviates from the child support formula, if the requirements of~~  
4 ~~subsection (2) are met.~~

5       ~~(4) Beginning January 1, 1991, each support order entered by~~  
6 ~~the court shall provide that each party shall keep the office of~~  
7 ~~the friend of the court informed of both of the following:~~

8           ~~(a) The name and address of his or her current source of~~  
9 ~~income. As used in this subdivision, "source of income" means~~  
10 ~~that term as defined in section 2 of the support and parenting~~  
11 ~~time enforcement act, 1982 PA 295, MCL 552.602.~~

12           ~~(b) Any health care coverage that is available to him or her~~  
13 ~~as a benefit of employment or that is maintained by him or her;~~  
14 ~~the name of the insurance company, nonprofit health care corpora-~~  
15 ~~tion, or health maintenance organization; the policy, certifi-~~  
16 ~~cate, or contract number; and the names and birth dates of the~~  
17 ~~persons for whose benefit he or she maintains health care cover-~~  
18 ~~age under the policy, certificate, or contract.~~

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

~~1 require the parent to obtain or maintain dependent coverage for  
2 the benefit of the minor children of the parties and, subject to  
3 section 1c, for the benefit of the parties' children who are not  
4 minor children, if available at a reasonable cost.~~

5 (2) ~~(6) An~~ A SUPPORT order entered under this section is  
6 enforceable as provided in the support and parenting time  
7 enforcement act, 1982 PA 295, MCL 552.601 to 552.650. IF THIS  
8 ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR  
9 ENFORCEMENT OF A CHILD SUPPORT ORDER THAT CONFLICTS WITH A PROVI-  
10 SION IN THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982  
11 PA 295, MCL 552.601 TO 552.650, THIS ACT CONTROLS IN REGARD TO  
12 THAT PROVISION.

13 Enacting section 1. Section 1c of the family support act,  
14 1966 PA 138, MCL 552.451c, 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.