



SENATE BILL No. 1147

September 17, 1996, Introduced by Senators GEAKE, SCHWARZ, MC MANUS, NORTH, STILLE and SHUGARS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend section 15 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce," as amended by Act No. 9 of the Public Acts of 1996, being section 552.15 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of chapter 84 of the Revised Statutes
2 of 1846, as amended by Act No. 9 of the Public Acts of 1996,
3 being section 552.15 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 15. (1) After the filing of a complaint in an action
6 to annul a marriage or for a divorce or separate maintenance, on
7 the motion of either party or the friend of the court, or on the
8 court's own motion, the court may enter ~~such orders~~ AN ORDER
9 concerning the care, custody, and support of the minor children

1 of the parties during the pendency of the action as the court
2 considers proper and necessary. A COURT SHALL NOT ISSUE AN EX
3 PARTE ORDER GRANTING CUSTODY OF A CHILD OR AWARDING POSSESSION OF
4 THE MARITAL DWELLING. 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 parenting
7 time enforcement act, Act No. 295 of the Public Acts of 1982,
8 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 corpora-
12 tion, or health maintenance organization; the policy, certifi-
13 cate, or contract number; and the names and birth dates of the
14 persons for whose benefit he or she maintains health care cover-
15 age 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 are enforceable as provided in the support and parenting time
5 enforcement act, Act No. 295 of the Public Acts of 1982, being
6 sections 552.601 to 552.650 of the Michigan Compiled Laws.

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