

SUBSTITUTE FOR
SENATE BILL NO. 288

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending the title and section 27 (MCL 552.627), the title as
amended by 1996 PA 25 and section 27 as amended by 1985 PA 210,
and by adding sections 5, 5a, 5b, and 5c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to provide for and to supplement statutes that pro-
vide for the enforcement of support, health care, and parenting
time orders with respect to divorce, separate maintenance, pater-
nity, child custody, and ~~spouse~~ SPOUSAL support; to prescribe
AND AUTHORIZE certain provisions of those orders; to prescribe
the powers and duties of the circuit court and friend of the
court; to prescribe certain duties of certain employers and other

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1 sources of income; to provide for penalties and remedies; and to
2 repeal acts and parts of acts.

3 SEC. 5. (1) IF A COURT ORDERS THE PAYMENT OF CHILD SUPPORT
4 UNDER THIS OR ANOTHER ACT OF THE STATE, THIS SECTION APPLIES TO
5 THAT ORDER.

6 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT
7 SHALL ORDER CHILD SUPPORT IN AN AMOUNT DETERMINED BY APPLICATION
8 OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE
9 COURT BUREAU. THE COURT MAY ENTER AN ORDER THAT DEVIATES FROM
10 THE FORMULA IF THE COURT DETERMINES FROM THE FACTS OF THE CASE
11 THAT APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR
12 INAPPROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF
13 THE FOLLOWING:

14 (A) THE CHILD SUPPORT AMOUNT DETERMINED BY APPLICATION OF
15 THE CHILD SUPPORT FORMULA.

16 (B) HOW THE CHILD SUPPORT ORDER DEVIATES FROM THE CHILD SUP-
17 PORT FORMULA.

18 (C) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU
19 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

20 (D) THE REASONS WHY APPLICATION OF THE CHILD SUPPORT FORMULA
21 WOULD BE UNJUST OR INAPPROPRIATE IN THE CASE.

22 (3) SUBSECTION (2) DOES NOT PROHIBIT THE COURT FROM ENTERING
23 A CHILD SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT
24 DEVIATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF
25 SUBSECTION (2) ARE MET.

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1 SEC. 5A. (1) A CHILD SUPPORT ORDER ENTERED OR MODIFIED 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.

6 (B) HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER AS
7 A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER; THE
8 NAME OF THE INSURANCE COMPANY, NONPROFIT HEALTH CARE CORPORATION,
9 OR HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR
10 CONTRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR
11 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE
12 POLICY, CERTIFICATE, OR CONTRACT.

13 (2) IF A CHILD SUPPORT ORDER IS ENTERED, THE COURT SHALL
14 REQUIRE THAT 1 OR BOTH PARENTS OBTAIN OR MAINTAIN HEALTH CARE
15 COVERAGE THAT IS AVAILABLE TO THEM AT A REASONABLE COST, AS A
16 BENEFIT OF EMPLOYMENT, FOR THE BENEFIT OF THE MINOR CHILDREN OF
17 THE PARTIES AND, SUBJECT TO SECTION 5B, FOR THE BENEFIT OF THE
18 PARTIES' CHILDREN WHO ARE NOT MINOR CHILDREN. IF A PARENT IS
19 SELF-EMPLOYED AND MAINTAINS HEALTH CARE COVERAGE, THE COURT SHALL
20 REQUIRE THE PARENT TO OBTAIN OR MAINTAIN DEPENDENT COVERAGE FOR
21 THE BENEFIT OF THE MINOR CHILDREN OF THE PARTIES AND, SUBJECT TO
22 SECTION 5B, FOR THE BENEFIT OF THE PARTIES' CHILDREN WHO ARE NOT
23 MINOR CHILDREN, IF AVAILABLE AT A REASONABLE COST.

24 (3) A COURT MAY REQUIRE EITHER PARENT TO FILE A BOND WITH 1
25 OR MORE SUFFICIENT SURETIES, IN A SUM TO BE FIXED BY THE COURT,
26 GUARANTEEING PAYMENT OF CHILD SUPPORT.

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1 SEC. 5B. (1) A COURT THAT ORDERS CHILD SUPPORT MAY ORDER
2 SUPPORT FOR A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE AS
3 PROVIDED IN THIS SECTION.

4 (2) THE COURT MAY ORDER CHILD SUPPORT FOR THE TIME A CHILD
5 IS REGULARLY ATTENDING HIGH SCHOOL ON A FULL-TIME BASIS WITH A
6 REASONABLE EXPECTATION OF COMPLETING SUFFICIENT CREDITS TO GRADU-
7 ATE FROM HIGH SCHOOL WHILE RESIDING ON A FULL-TIME BASIS WITH THE
8 PAYEE OF SUPPORT OR AT AN INSTITUTION, BUT IN NO CASE AFTER THE
9 CHILD REACHES 19 YEARS AND 6 MONTHS OF AGE. A COMPLAINT OR
10 MOTION REQUESTING SUPPORT AS PROVIDED IN THIS SECTION MAY BE
11 FILED AT ANY TIME BEFORE THE CHILD REACHES 19 YEARS AND 6 MONTHS
12 OF AGE.

13 (3) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
14 BEFORE OCTOBER 10, 1990 THAT PROVIDES FOR THE SUPPORT OF A CHILD
15 AFTER THE CHILD REACHES 18 YEARS OF AGE, WITHOUT AN AGREEMENT OF
16 THE PARTIES AS DESCRIBED IN SUBSECTION (4), IS VALID AND ENFORCE-
17 ABLE TO THE EXTENT THE PROVISION PROVIDES SUPPORT FOR THE CHILD
18 FOR THE TIME THE CHILD IS REGULARLY ATTENDING HIGH SCHOOL ON A
19 FULL-TIME BASIS WITH A REASONABLE EXPECTATION OF COMPLETING SUFF-
20 FICIENT CREDITS TO GRADUATE FROM HIGH SCHOOL WHILE RESIDING ON A
21 FULL-TIME BASIS WITH THE PAYEE OF SUPPORT OR AT AN INSTITUTION,
22 BUT IN NO CASE AFTER THE CHILD REACHES 19 YEARS AND 6 MONTHS OF
23 AGE. THIS SUBSECTION DOES NOT REQUIRE PAYMENT OF SUPPORT FOR A
24 CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE FOR ANY PERIOD
25 BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990, OR REIMBURSEMENT
26 OF SUPPORT PAID BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990, IN
27 THOSE JUDICIAL CIRCUITS THAT DID NOT ENFORCE SUPPORT FOR A CHILD

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1 AFTER THE CHILD REACHED 18 YEARS OF AGE DURING THE PERIOD BETWEEN
2 NOVEMBER 8, 1989 AND OCTOBER 10, 1990.

3 (4) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
4 UNDER THIS ACT BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS
5 SECTION THAT PROVIDES FOR THE SUPPORT OF A CHILD AFTER THE CHILD
6 REACHES 18 YEARS OF AGE IS VALID AND ENFORCEABLE IF 1 OR MORE OF
7 THE FOLLOWING APPLY:

8 (A) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
9 AGREEMENT OF THE PARTIES AS STATED IN THE JUDGMENT OR ORDER.

10 (B) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
11 AGREEMENT OF THE PARTIES AS EVIDENCED BY THE APPROVAL OF THE SUB-
12 STANCE OF THE JUDGMENT OR ORDER BY THE PARTIES OR THEIR
13 ATTORNEYS.

14 (C) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
15 WRITTEN AGREEMENT SIGNED BY THE PARTIES.

16 (D) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
17 ORAL AGREEMENT OF THE PARTIES AS STATED ON THE RECORD BY THE PAR-
18 TIES OR THEIR ATTORNEYS.

19 SEC. 5C. IF AN ORDER GOVERNING CUSTODY OF A CHILD PRE-
20 SCRIBES A PRIMARY RESIDENCE FOR THE CHILD WITH 1 PARENT AND HAS
21 PARENTING TIME PROVISIONS FOR THE OTHER PARENT, THE ORDER MUST
22 ALSO PRESCRIBE ALL OF THE FOLLOWING:

23 (A) THAT THE PARENT LIVING WITH THE CHILD IN THE PRIMARY
24 RESIDENCE SHALL NOT CHANGE THAT RESIDENCE TO A LOCATION MORE THAN
25 2 HOURS ROUND-TRIP BY MOTOR VEHICLE FROM THE CHILD'S RESIDENCE AT
THE TIME
26 OF THE COMMENCEMENT OF THE ACTION IN WHICH THE ORDER IS ISSUED.

1 (B) THAT THE RESTRICTION PRESCRIBED UNDER SUBDIVISION (A)
2 DOES NOT APPLY IF THE PARENT WITH THE RIGHT TO PARENTING TIME
3 CONSENTS TO THE CHANGE OF RESIDENCE OR THE COURT PERMITS THE
4 CHANGE OF RESIDENCE AFTER CONSIDERING ALL OF THE FOLLOWING:

5 (i) WHETHER THE PROSPECTIVE MOVE HAS THE CAPACITY TO IMPROVE
6 THE QUALITY OF LIFE FOR BOTH THE CUSTODIAL PARENT AND THE CHILD.

7 (ii) WHETHER THE MOVE IS INSPIRED BY THE CUSTODIAL PARENT'S
8 DESIRE TO DEFEAT OR FRUSTRATE PARENTING TIME BY THE OTHER PARENT
9 AND WHETHER THE CUSTODIAL PARENT IS LIKELY TO COMPLY WITH THE
10 SUBSTITUTE PARENTING TIME ORDERS IF HE OR SHE NO LONGER RESIDES
11 WITHIN THE AREA OF THE COURT'S CIRCUIT.

12 (iii) THE EXTENT TO WHICH THE NONCUSTODIAL PARENT, IN
13 RESISTING THE MOVE, IS MOTIVATED BY THE DESIRE TO SECURE A FINAN-
14 CIAL ADVANTAGE WITH RESPECT TO A CONTINUING SUPPORT OBLIGATION.

15 (iv) THE DEGREE TO WHICH, IF THE RESIDENCE CHANGE IS PERMIT-
16 TED, THE COURT IS SATISFIED THAT THERE WILL BE A REALISTIC OPPOR-
17 TUNITY FOR PARENTING TIME, INSTEAD OF THE CURRENT PARENTING TIME
18 SCHEDULE, THAT CAN PROVIDE AN ADEQUATE BASIS FOR PRESERVING AND
19 FOSTERING THE PARENTAL RELATIONSHIP WITH THE NONCUSTODIAL PARENT.

(V) THE DEGREE TO WHICH THE NONCUSTODIAL PARENT HAS EXERCISED
PARENTING TIME AS ORDERED BY THE COURT.

20 Sec. 27. (1) The circuit court may take other enforcement
21 action under applicable laws, including, but not limited to, the
22 following:

23 (a) ~~Chapter 84 of the Revised Statutes of 1846, being sec-~~
24 ~~tions 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS 84,~~
25 MCL 552.1 TO 552.45.

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1 (b) ~~Act No. 379 of the Public Acts of 1913, being sections~~
2 ~~552.151 to 552.155 of the Michigan Compiled Laws 1913 PA 379,~~
3 MCL 552.151 TO 552.155.

4 (c) The family support act, ~~Act No. 138 of the Public Acts~~
5 ~~of 1966, being sections 552.451 to 552.459 of the Michigan~~
6 ~~Compiled Laws 1966 PA 138, MCL 552.451 TO 552.459.~~

7 (d) Section 1701 of the revised judicature act of 1961, ~~Act~~
8 ~~No. 236 of the Public Acts of 1961, being section 600.1701 of the~~
9 ~~Michigan Compiled Laws 1961 PA 236, MCL 600.1701.~~

10 (e) ~~Act No. 293 of the Public Acts of 1968, being sections~~
11 ~~722.1 to 722.6 of the Michigan Compiled Laws 1968 PA 293,~~
12 MCL 722.1 TO 722.6.

13 (f) The child custody act of 1970, ~~Act No. 91 of the Public~~
14 ~~Acts of 1970, being sections 722.21 to 722.29 of the Michigan~~
15 ~~Compiled Laws 1970 PA 91, MCL 722.21 TO 722.30.~~

16 (G) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

17 (2) IF ANOTHER ACT OF THIS STATE PROVIDES THAT THIS ACT
18 APPLIES TO SUPPORT ORDERS ISSUED UNDER THE OTHER ACT AND IF THAT
19 OTHER ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
20 ENFORCEMENT OF THE SUPPORT ORDER THAT CONFLICTS WITH THIS ACT,
21 THE OTHER ACT CONTROLS IN REGARD TO THAT PROVISION.

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24 Enacting section 1. This amendatory act does not take
25 effect unless all of the following bills of the 89th Legislature
26 are enacted into law:

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- 1 (a) Senate Bill No. 289.
- 2 (b) Senate Bill No. 290.
- 3 (c) Senate Bill No. 291.
- 4 (d) Senate Bill No. 292.
- 5 (e) Senate Bill No. 293.