

HOUSE BILL No. 5346

October 29, 2001, Introduced by Reps. Richardville, Raczkowski, Stewart, Julian, Schermesser, Ehardt, Pappageorge, Shackleton, Newell, Birkholz, Pumford, Vander Veen, Kuipers, DeRossett, Stamas, DeWeese, Faunce, Drolet and Voorhees and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 5b (MCL 552.605b), as added by 2001 PA 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 OR SHALL ORDER SUPPORT AFTER THE CHILD
4 REACHES 18 YEARS OF AGE AS PROVIDED IN SUBSECTION (5).

5 (2) The court may order child support for the time a child
6 is regularly attending high school on a full-time basis with a
7 reasonable expectation of completing sufficient credits to gradu-
8 ate from high school while residing on a full-time basis with the
9 recipient of support or at an institution, but in no case after
10 the child reaches 19 years and 6 months of age. A complaint or
11 motion requesting support as provided in this ~~section~~

1 SUBSECTION may be filed at any time before the child reaches 19
2 years and 6 months of age.

3 (3) A provision contained in a judgment or an order entered
4 before October 10, 1990 that provides for the support of a child
5 after the child reaches 18 years of age, without an agreement of
6 the parties as described in subsection (4), is valid and enforce-
7 able to the extent the provision provides support for the child
8 for the time the child is regularly attending high school on a
9 full-time basis with a reasonable expectation of completing suf-
10 ficient credits to graduate from high school while residing on a
11 full-time basis with the recipient of support or at an institu-
12 tion, but in no case after the child reaches 19 years and
13 6 months of age. ~~This subsection does not require payment of~~
14 ~~support for a child after the child reaches 18 years of age for~~
15 ~~any period between November 8, 1989 and October 10, 1990, or~~
16 ~~reimbursement of support paid between November 8, 1989 and~~
17 ~~October 10, 1990, in those judicial circuits that did not enforce~~
18 ~~support for a child after the child reached 18 years of age~~
19 ~~during the period between November 8, 1989 and October 10, 1990.~~

20 (4) A provision contained in a judgment or an order entered
21 under this act ~~before, on, or after the effective date of this~~
22 ~~section~~ that provides for the support of a child after the child
23 reaches 18 years of age is valid and enforceable if 1 or more of
24 the following apply:

25 (a) The provision is contained in the judgment or order by
26 agreement of the parties as stated in the judgment or order.

1 (b) The provision is contained in the judgment or order by
2 agreement of the parties as evidenced by the approval of the
3 substance of the judgment or order by the parties or their
4 attorneys.

5 (c) The provision is contained in the judgment or order by
6 written agreement signed by the parties.

7 (d) The provision is contained in the judgment or order by
8 oral agreement of the parties as stated on the record by the par-
9 ties or their attorneys.

10 (5) THE COURT SHALL ORDER CHILD SUPPORT UNTIL A CHILD
11 REACHES 26 YEARS OF AGE IF THE CHILD SUFFERS FROM A DEVELOPMENTAL
12 DISABILITY, MENTAL RETARDATION, A SERIOUS EMOTIONAL DISTURBANCE,
13 OR A SERIOUS MENTAL ILLNESS, AS THOSE TERMS ARE DEFINED IN THE
14 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1001 TO 330.2106. A
15 COMPLAINT OR MOTION REQUESTING SUPPORT AS PROVIDED IN THIS SUB-
16 SECTION MAY BE FILED AT ANY TIME BEFORE THE CHILD REACHES
17 26 YEARS OF AGE.