

# HOUSE BILL NO. 5861

March 01, 2022, Introduced by Reps. Hornberger, Tisdell and Meerman and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 5b (MCL 552.605b), as amended by 2009 PA 193.

## **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.

4       (2) The court may order child support for the time a child is  
5 regularly attending high school on a full-time basis with a  
6 reasonable expectation of completing sufficient credits to graduate  
7 from high school while residing on a full-time basis with the

1 recipient of support or at an institution, but in no case after the  
2 child reaches 19 years and 6 months of age. A complaint or motion  
3 requesting support as provided in this section may be filed at any  
4 time before the child reaches 19 years and 6 months of age.

5 (3) A support order entered under this section ~~shall~~**must**  
6 include a provision that the support terminates on the last day of  
7 a specified month, regardless of the actual graduation date.

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

25 (5) A provision contained in a judgment or an order entered  
26 under this act before, on, or after September 30, 2001 that  
27 provides for the support of a child after the child reaches 18  
28 years of age is valid and enforceable if 1 or more of the following  
29 apply:

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

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

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

9 (d) The provision is contained in the judgment or order by  
10 oral agreement of the parties as stated on the record by the  
11 parties or their attorneys.

12 **(6) A court that orders child support must order the father to**  
13 **pay, at least, 50% of a child's health insurance premium until that**  
14 **child is no longer a dependent of a parent or until the child**  
15 **reaches 26 years of age, whichever occurs first, but in no case**  
16 **after the child reaches 26 years of age. The court may order the**  
17 **father of a child to pay more than 50% of the insurance premium**  
18 **based on the father's ability to pay but not less than 50%. If a**  
19 **father becomes delinquent in paying his share of all or part the**  
20 **child's health insurance premium, income withholding for the**  
21 **delinquent amount takes effect as provided in section 7.**

22 Enacting section 1. This amendatory act does not take effect  
23 unless Senate Bill No.\_\_\_\_ or House Bill No. 5860 (request no.  
24 03760'21) of the 101st Legislature is enacted into law.