
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 288 through 293 (as introduced 3-6-97)
Sponsor: Senator Joel D. Gougeon (Senate Bills 288-290)
Senator Robert Geake (Senate Bills 291-293)
Committee: Families, Mental Health and Human Services

Date Completed: 3-19-97

CONTENT

Senate Bills 288 through 293 would amend various statutes to consolidate provisions concerning child support in the Support and Parenting Time Enforcement Act. Senate Bill 288 also would limit the ability of a custodial parent to move more than 75 miles away. Senate Bill 288 would take effect January 1, 1999, and is tie-barred to Senate Bills 289 to 293. Senate Bills 289 through 293 are tie-barred to Senate Bill 288.

Senate Bill 288

The bill would amend the Support and Parenting Time Enforcement Act to incorporate the provisions that would be deleted from the other acts by Senate Bills 289 to 293. The bill, therefore, would require a court to order child support based upon the child support formula developed by the Friend of the Court Bureau; establish accepted reasons for deviating from the child support formula; require parents to maintain health care coverage for their minor children; and establish the conditions under which parents could be ordered to provide child support for children over 18 years of age.

The bill also would add the Paternity Act to the list of applicable laws under which the circuit court may take enforcement action, and provides that if there were conflicts between the Support and Parenting Time Enforcement Act and any other acts concerning the contents or enforcement of a support order, the other act would control.

In addition, if a child custody order prescribed a primary residence for the child with one parent and had parenting time provisions for the other parent, the order also would have to prescribe that the parent living with the child could not change residence to a location more than 75 miles from the child's residence at the time of the commencement of the custody action in which the order was issued. The change of residence restriction would not apply, however, if the parent with the right to parenting time consented to the move or the court permitted the change of residence after considering all of the following:

- Whether the prospective move had the capacity to improve the quality of life for both the custodial parent and the child.
- Whether the move was inspired by the custodial parent's desire to defeat or frustrate parenting time by the other parent and whether the custodial parent was likely to comply with the substitute parenting time orders if he or she no longer resided within the area of the court's circuit.
- The extent to which the noncustodial parent, in resisting the move, was motivated by the desire to secure a financial advantage with respect to a continuing support obligation.
- The degree to which, if the residence change were permitted, the court was satisfied that there would be a realistic opportunity for parenting time, instead of the current parenting time

schedule, that could provide an adequate basis for preserving and fostering the parental relationship with the noncustodial parent.

Senate Bills 289-293

The bills would amend various acts to delete provisions that allow the court to order child support in an amount determined by the child support formula or an amount that deviates from the formula under specified circumstances; require a parent to inform the Friend of the Court of his or her sources of income and available health care coverage; and require parents to maintain health care coverage for their children. In addition, the bills provide that any conflicts between the provisions contained in the Support and Parenting Time Enforcement Act and the provisions of the acts amended by the bills concerning the contents or enforcement of a support order would be controlled by the specific acts.

Further, the bills would repeal sections of the acts that specify the conditions under which a support order may require the provision of support for a child who has passed the age of 18 years.

Senate Bill 289 would amend the divorce Act; Senate Bill 290 would amend the Child Custody Act; Senate Bill 291 would amend the Paternity Act; Senate Bill 292 would amend the emancipation of minors Act; and Senate Bill 293 would amend the Family Support Act.

MCL 555.602 et al. (S.B. 288)
552.15 et al. (S.B. 289)
722.27 (S.B. 290)
722.717 et al. (S.B. 291)
722.3 (S.B. 292)
552.452 (S.B. 293)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: M. Ortiz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.