

See: MCL 552.605, *Ghidotti v Barber*, 459 Mich 189 (1998), and *Burba v Burba*, 461 Mich 637 (2000).

1.04(B) When a court decides to deviate, it should still follow the formula except for the provisions that create an unjust or inappropriate result in that case.

- (1) When entering an order that deviates from the child support formula, the court must record (a) its reasons for finding that the formula would produce an unjust or inappropriate result, as well as (b) the information required by MCL 552.605(2). *Burba v Burba*, 461 Mich 637, 644-45 (2000).
- (2) Friend of the court recommendations that deviate from the formula must comply with the requirements in MCL 552.505(1)(h).

1.04(C) Agreements to Deviate

MCL 552.605(3) permits the court to enter orders that deviate from the formula based on an agreement of the parties, so long as the court also satisfies all the requirements of MCL 552.605(2).

1.04(D) In exercising its discretion to deviate, the court may consider any factor that it determines is relevant.

1.04(E) Deviation Factors

Strict application of the formula may produce an unjust or inappropriate result in a case when any of the following situations occur:

- (1) The child has special needs.
- (2) The child has extraordinary educational expenses.
- (3) A parent is a minor.
- (4) The child's residence income is below the threshold to qualify for public assistance, and at least one parent has sufficient income to pay additional support that will raise the child's standard of living above the public assistance threshold.
- (5) A parent has a reduction in the income available to support a child due to extraordinary levels of jointly accumulated debt.
- (6) The court awards property in lieu of support for the benefit of the child (§4.04).
- (7) A parent has incurred, or is likely to incur, extraordinary medical expenses for either that parent or a dependent.
- (8) A parent receives bonus income in varying amounts or at irregular intervals.
- (9) Someone other than the parent can supply reasonable and appropriate health care coverage.
- (10) A parent provides substantially all the support for a stepchild, and the stepchild's parents earn no income and are unable to earn income.
- (11) A child earns an extraordinary income.
- (12) The court orders a parent to pay taxes, mortgage installments, home insurance premiums, telephone or utility bills, etc., before entry of a final judgment or order.

- (13) A parent must pay significant amounts of restitution, fines, fees, or costs associated with that parent's conviction or incarceration for a crime other than those related to failing to support children, or a crime against a child in the current case or that child's sibling, other parent, or custodian.
- (14) A parent makes payments to a bankruptcy plan or has debt discharged, when either significantly impacts the monies that parent has available to pay support.
- (15) A parent provides a substantial amount of a child's day-time care and directly contributes toward a significantly greater share of the child's costs than those reflected by the overnights used to calculate the offset for parental time.
- (16) A child in the custody of a nonparent-recipient spends a significant number of overnights with the payer that causes a significant savings in the nonparent-custodian's expenses.
- (17) The court ordered nonmodifiable spousal support paid between the parents before October 2004.
- (18) When a parent's share of net child care expenses exceeds 50 percent of that parent's base support obligation calculated under §3.02 before applying the parental time offset.
- (19) When the amount calculated does not exceed \$20, and the administrative cost to enforce and process payments outweighs the benefit of the minimal amounts.
- (20) Any other factor the court deems relevant to the best interests of a child.