

SUBSTITUTE FOR
HOUSE BILL NO. 5468

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending section 4 (MCL 552.454), as amended by 1999 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) If the county ~~family independence agency~~
2 **DEPARTMENT OF HUMAN SERVICES** where the custodial parent or guardian
3 of the minor child or children or the child or children who have
4 reached 18 years of age resides determines the custodial parent,
5 the minor child or children, the child or children who have reached
6 18 years of age, or any of them to be eligible for public or
7 medical assistance, or if a complaint is being filed under section
8 1b, the prosecuting attorney shall act as the attorney for the
9 petitioner.

10 (2) **THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN**
11 **SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S**

1 RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:

2 (A) THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF
3 JUDGE OF THE CIRCUIT COURT.

4 (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER
5 SECTION 1 OF 1941 PA 14, MCL 49.71.

6 (C) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
7 DEPARTMENT OF HUMAN SERVICES.

8 (3) A PROCEEDING UNDER THIS SECTION IS CONDUCTED ON BEHALF OF
9 THE STATE AND NOT AS THE ATTORNEY FOR ANY OTHER PARTY.

10 (4) ~~(2) The prosecuting attorney shall utilize the child~~
11 support formula developed under section 19 of the friend of the
12 court act, 1982 PA 294, MCL 552.519, **SHALL BE USED** as a guideline
13 in petitioning for child support. Upon certification by the family
14 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES** that the custodial
15 parent and minor child or children or child or children who have
16 reached 18 years of age are receiving public assistance, a payment
17 received by the friend of the court or the state disbursement unit
18 for the support of the custodial parent and minor child or children
19 or child or children who have reached 18 years of age shall be
20 transmitted to the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
21 **SERVICES**.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.