



SENATE BILL No. 590

June 15, 1995, Introduced by Senators DINGELL, BENNETT, GEAKE, GOUGEON, HOFFMAN, SHUGARS, DUNASKISS, MCMANUS and PETERS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend Act No. 295 of the Public Acts of 1982, entitled as amended
"Support and visitation enforcement act,"
as amended, being sections 552.601 to 552.650 of the Michigan Compiled Laws, by adding section 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 295 of the Public Acts of 1982, as
2 amended, being sections 552.601 to 552.650 of the Michigan
3 Compiled Laws, is amended by adding section 40 to read as
4 follows:

5 SEC. 40. (1) A RECIPIENT OF SUPPORT WHO IS A CUSTODIAL
6 PARENT OR GUARDIAN HAS A FIDUCIARY DUTY TO USE SUPPORT MONEY
7 RECEIVED FROM THE PAYER TO PROVIDE THE NECESSARY SHELTER, FOOD,
8 CARE, CLOTHING, AND OTHER SUPPORT FOR THE CHILD WHOM THE PAYER IS
9 ORDERED TO PAY SUPPORT FOR UNDER A SUPPORT ORDER.

1 (2) A PAYER MAY REQUEST A HEARING ON THE ISSUE OF WHETHER A
2 RECIPIENT OF SUPPORT HAS BREACHED HIS OR HER FIDUCIARY DUTY AS
3 ESTABLISHED IN SUBSECTION (1). THE COURT, AFTER NOTICE TO THE
4 RECIPIENT OF SUPPORT AND AN OPPORTUNITY FOR A HEARING, MAY DO THE
5 FOLLOWING:

6 (A) UPON A FINDING THAT THE RECIPIENT OF SUPPORT MAY BE
7 BREACHING HIS OR HER FIDUCIARY DUTY UNDER SUBSECTION (1), ORDER
8 THE RECIPIENT OF SUPPORT TO PREPARE AN ANNUAL ACCOUNTING THAT
9 DETAILS EXPENDITURES MADE BY THE RECIPIENT OF SUPPORT FOR THE
10 SUPPORT OF THE CHILD.

11 (B) IF THE COURT FINDS THAT THE RECIPIENT OF SUPPORT HAS NOT
12 PROVIDED THE NECESSARY SHELTER, FOOD, CARE, CLOTHING, OR OTHER
13 SUPPORT, ORDER THE RECIPIENT OF SUPPORT TO PROVIDE THAT SUPPORT.

14 (3) THE COURT MAY AWARD COSTS AND FEES AS PROVIDED IN SEC-
15 TION 2591 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF
16 THE PUBLIC ACTS OF 1961, BEING SECTION 600.2591 OF THE MICHIGAN
17 COMPILED LAWS.