

SUBSTITUTE FOR
HOUSE BILL NO. 4817

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending sections 2a and 9 (MCL 552.502a and 552.509),
section 2a as added by 1996 PA 366 and section 9 as amended by
1998 PA 63, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. As used in this act:

2 (a) "Medical assistance" means medical assistance as estab-
3 lished under title XIX of the social security act, chapter 531,
4 49 Stat. 620, 42 U.S.C. 1396 to ~~1396v~~ 1396f, 1396g-1 TO
5 1395r-6, AND 1396r-8 TO 1396v.

6 (b) "Office" and "office of the friend of the court" mean
7 ~~the~~ AN agency created in section 3.

8 (c) "Payer" means a person ordered by the circuit court to
9 pay support.

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1 (d) "Public assistance" means cash assistance provided under
2 the social welfare act, ~~Act No. 280 of the Public Acts of 1939,~~
3 ~~being sections 400.1 to 400.119b of the Michigan Compiled Laws~~
4 1939 PA 280, 400.1 TO 400.119B.

5 (e) "Recipient of support" means the following:

6 (i) The spouse, if the support order orders spousal
7 support.

8 (ii) The custodial parent or guardian, if the support order
9 orders support for a minor child or a child who is 18 years of
10 age or older.

11 (iii) The family independence agency, if support has been
12 assigned to that department.

13 (f) "State advisory committee" means the committee estab-
14 lished by the bureau under section 19.

15 (G) "STATE DISBURSEMENT UNIT" OR "SDU" MEANS THE ENTITY
16 ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD SUPPORT ACT, 1971
17 PA 174, MCL 400.236.

18 (H) ~~(g)~~ "Support" means all of the following:

19 (i) The payment of money for a child or a spouse ordered by
20 the circuit court, whether the order is embodied in an interim,
21 temporary, permanent, or modified order or judgment. Support may
22 include payment of the expenses of medical, dental, and other
23 health care, child care expenses, and educational expenses.

24 (ii) The payment of money ordered by the circuit court under
25 the paternity act, ~~Act No. 205 of the Public Acts of 1956~~ 1956
26 PA 205, MCL 722.711 TO 722.730, for the necessary expenses
27 incurred by or for the mother in connection with her confinement,

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1 ~~or of~~ FOR other expenses in connection with the pregnancy of
2 the mother, OR FOR THE REPAYMENT OF GENETIC TESTING EXPENSES.

3 (iii) A surcharge accumulated under section 3a of the sup-
4 port and parenting time enforcement act, ~~being section~~
5 MCL 552.603a. ~~of the Michigan Compiled Laws.~~

6 (I) ~~(h)~~ "Support and parenting time enforcement act" means
7 ~~Act No. 295 of the Public Acts of 1982, being sections 552.601~~
8 ~~to 552.650 of the Michigan Compiled Laws~~ 1982 PA 295,
9 MCL 552.601 TO 552.650.

10 (J) ~~(i)~~ "Support order" means an order entered by the cir-
11 cuit court for the payment of support in a sum certain, whether
12 in the form of a lump sum or a periodic payment.

13 Sec. 9. (1) Except as otherwise provided IN SUBSECTIONS (2)
14 AND (3) OR in the order or judgment, after a support order is
15 entered in a domestic relations matter, the office shall receive
16 ~~all payments of support orders and service fees~~ EACH PAYMENT
17 AND SERVICE FEE UNDER THE SUPPORT ORDER; shall, not less than
18 once each month, record ~~the support payments~~ EACH SUPPORT
19 PAYMENT due, paid, and past due; and shall disburse ~~all support~~
20 ~~payments~~ EACH SUPPORT PAYMENT to the recipient of support within
21 14 days after the office receives each payment OR WITHIN THE FED-
22 ERALLY MANDATED TIME FRAME, WHICHEVER IS SHORTER.

23 (2) AN OFFICE SHALL RECEIVE SUPPORT ORDER AND SERVICE FEE
24 PAYMENTS, AND SHALL DISBURSE SUPPORT, AS REQUIRED BY SUBSECTION
25 (1) UNTIL THE STATE DISBURSEMENT UNIT IMPLEMENTS SUPPORT AND FEE
26 RECEIPT AND DISBURSEMENT FOR THE CASES ADMINISTERED BY THAT
27 OFFICE. AT THE FAMILY INDEPENDENCE AGENCY'S DIRECTION AND IN

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1 COOPERATION WITH THE SDU, AN OFFICE SHALL CONTINUE SUPPORT AND
2 FEE RECEIPT AND SUPPORT DISBURSEMENT TO FACILITATE THE TRANSITION
3 OF THAT RESPONSIBILITY TO THE SDU AS DIRECTED IN, AND IN ACCORD-
4 ANCE WITH THE TRANSITION SCHEDULE DEVELOPED AS REQUIRED BY, THE
5 OFFICE OF CHILD SUPPORT ACT, 1971 PA 174, MCL 400.231 TO
6 400.239.

7 (3) AFTER SDU SUPPORT AND FEE RECEIPT AND DISBURSEMENT IS
8 IMPLEMENTED IN A CIRCUIT COURT CIRCUIT, THE OFFICE FOR THAT COURT
9 MAY ACCEPT A SUPPORT PAYMENT MADE IN CASH OR BY CASHIER'S CHECK
10 OR MONEY ORDER. IF THE OFFICE ACCEPTS SUCH A PAYMENT, THE OFFICE
11 SHALL TRANSMIT THE PAYMENT TO THE SDU AND SHALL INFORM THE PAYER
12 OF THE SDU'S LOCATION AND THE REQUIREMENT TO MAKE PAYMENTS
13 THROUGH THE SDU.

14 (4) PROMPTLY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
15 THAT ADDED THIS SUBSECTION, EACH OFFICE SHALL ESTABLISH AND MAIN-
16 TAIN THE SUPPORT ORDER AND ACCOUNT RECORDS NECESSARY TO ENFORCE
17 SUPPORT ORDERS AND NECESSARY TO RECORD OBLIGATIONS, SUPPORT AND
18 FEE RECEIPT AND DISBURSEMENT, AND RELATED PAYMENTS. EACH OFFICE
19 SHALL PROVIDE THE SDU WITH ACCESS TO THOSE RECORDS AND SHALL
20 ASSIST THE SDU TO RESOLVE SUPPORT AND FEE RECEIPT AND DISBURSE-
21 MENT PROBLEMS RELATED TO INADEQUATE IDENTIFYING INFORMATION.

22 (5) ~~—(2)—~~ The office shall provide annually to each party,
23 without charge, 1 statement of account upon request. Additional
24 statements of account shall be provided at a reasonable fee suf-
25 ficient to pay for the cost of reproduction. Statements provided
26 under this subsection are in addition to statements provided for
27 administrative and judicial hearings.

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1 (6) ~~—(3)—~~ The office shall initiate and carry out
2 proceedings to enforce an order entered in a domestic relations
3 matter regarding custody, parenting time, health care coverage,
4 or support in accordance with this act, the support and parenting
5 time enforcement act, and supreme court rules.

6 (7) ~~—(4)—~~ Upon request of a child support agency of another
7 state, the office shall initiate and carry out certain proceed-
8 ings to enforce support orders entered in the other state without
9 the need to register the order as a domestic relations matter in
10 this state. The order shall be enforced using automated adminis-
11 trative enforcement actions authorized under the support and par-
12 enting time enforcement act. ~~—, 1982 PA 295, MCL 552.601 to~~
13 ~~552.650.—~~

14 SEC. 9A. THE DEPARTMENT, THE SDU, AND EACH OFFICE OF THE
15 FRIEND OF THE COURT SHALL COOPERATE IN THE TRANSITION TO THE CEN-
16 TRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND FEES. AN OFFICE
17 OF THE FRIEND OF THE COURT SHALL CONTINUE TO RECEIVE AND DISBURSE
18 SUPPORT AND FEES THROUGH THE TRANSITION, BASED ON THE SCHEDULE
19 DEVELOPED AS REQUIRED BY SECTION 6 OF THE OFFICE OF CHILD SUPPORT
20 ACT, 1971 PA 174, MCL 400.236, AND MODIFICATIONS TO THAT SCHEDULE
21 AS THE DEPARTMENT CONSIDERS NECESSARY.

22 Enacting section 1. This amendatory act does not take
23 effect unless House Bill No. 4816 of the 90th Legislature is
24 enacted into law.